

Greg Oravec

From: Bill Jones
Sent: Monday, November 19, 2012 11:01 PM
To: Greg Oravec
Cc: MaryAnn Verillo; Donna Frankel; Lee Dearlove
Subject: Re: E-mail for Councilman Bowen

Greg,

Councilman Bowen will assume the District4@cityofpsl.com address. We will just update the address book to reflect the change. We are working with Bonnie to coordinate this and configure his iPhone and iPad.

Bill

Sent from my iPad

On Nov 19, 2012, at 8:33 PM, "Greg Oravec" <GOravec@cityofpsl.com> wrote:

Does Councilman Bowen have an e-mail account set up yet?

Thanks,

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]
<image002.gif>

Greg Oravec

From: Greg Oravec
Sent: Tuesday, November 20, 2012 6:51 PM
To: Ron Bowen
Subject: Test

Dear Councilman Bowen,

As a follow up to our conversation of a few minutes ago, this e-mail serves to check to see if your e-mail inbox is operational.

Thank you for sharing your input with me.

Best wishes,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

***TEAM
PORT ST. LUCIE***

*A GROUP OF PEOPLE DEDICATED
TO ONE THING:*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*

Greg Oravec

From: Greg Oravec
Sent: Thursday, November 22, 2012 9:32 AM
To: 'rebowen@gate.net'
Subject: RE: appointments

Councilman Bowen,

I am very sorry to learn of the cancellations. I was very much looking forward to touring the City with you and beginning the orientation process in earnest. If it were not Thanksgiving today, I would certainly call you to discuss these matters further. If you have a moment, I would greatly appreciate your call at (772)342-6072.

Sincerely,

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

-----Original Message-----

From: rebowen@gate.net [mailto:rebowen@gate.net]
Sent: Thursday, November 22, 2012 6:56 AM
To: Greg Oravec
Subject: appointments

Mr. Oravec,

Due to recent events, I am canceling
our two appointments scheduled for Friday and Monday morning.

Cordially,
Ron Bowen (Councilman, District 4)

Greg Oravec

From: Greg Oravec
Sent: Thursday, November 22, 2012 12:08 PM
To: 'rebowen@gate.net'; Ron Bowen
Subject: FW: Happy Thanksgiving!

Councilman Bowen,

Happy Thanksgiving! You may have already received the below e-mail; but, I am not taking any chances. I can't tell you how sorry I am that we have not given you a better welcome. Please accept my apologies.

Very truly yours,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

**TEAM
PORT ST. LUCIE**

*A GROUP OF PEOPLE DEDICATED
TO ONE THING:*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*

From: Team PSL
Sent: Thursday, November 22, 2012 11:57 AM
To: Team PSL
Subject: Happy Thanksgiving!

Happy Thanksgiving Team Port St. Lucie!

I hope that everyone enjoys Thanksgiving and a long holiday weekend. As part of that enjoyment, I hope that you take a moment to reflect on those things for which you are most thankful. I am thankful for many things (because I am just one winning lotto ticket short of being the luckiest guy in the world), including:

1. Being alive. Life is too short no matter how much time you have. Make everyday count towards something important in your life.
2. Having an incredible family. Who loves and supports you more? Who is there to celebrate the good times and pick you up in the bad? Try never to take them for granted. Tell them how much you love them and how important they are.
3. Being an American. Think of all the other places you could have been born or moved to!
4. Having a job that allows me to make a difference. I spend more waking hours at work than any other single place. I bet you do too. Why would we invest that time in something that didn't matter?!

5. Having the continuing support of the City Council, which allows me to keep that aforementioned job!
6. Living in the wonderful community of Port St. Lucie. Go to the park, preserve or waterfront this weekend or shop if you are a bargain hunter, but get out there and enjoy one of the many things our community has to offer.
7. YOU!

I put "YOU" in all caps and saved it for last because this e-mail is really about you and, more particularly, how thankful I am for you. Through your job and, or, your volunteerism, you make Port St. Lucie what it is and lay the foundation for what it will become. You are making Port St. Lucie a better place, and you are making the world a better place starting with Port St. Lucie. I am so proud of what you do and thankful that I get to be a part of it. If we remain pure of heart, focused on the Vision and dedicated to our missions, we will achieve our collective goals and much, much more.

Happy Thanksgiving!

Gobble, gobble,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

***TEAM
PORT ST. LUCIE***

*A GROUP OF PEOPLE DEDICATED
TO ONE THING*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*

Greg Oravec

From: Greg Oravec
Sent: Wednesday, December 05, 2012 10:33 PM
To: Ron Bowen
Subject: FW: 2013 Council & CRA Meeting Schedule
Attachments: 2013 Meeting Schedules.pdf

Councilman Bowen,

It just hit me why those two Special City Council Meetings are cancelled—the Winter and Summer Retreats! I'm sorry that the reason did not occur to me earlier. Since the Council is already meeting as a body at least twice in those given weeks, they have historically requested the cancellation of the Monday meetings.

If you have any additional questions or I can be of assistance, please do not hesitate to contact me.

Thank you,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

TEAM
PORT ST. LUCIE

A GROUP OF PEOPLE DEDICATED
TO ONE THING

MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.

From: Karen Phillips
Sent: Tuesday, December 04, 2012 12:55 PM
To: Ann Fidge; Anne Cox; Anthony Veltre; April Stoncius; Barney Reina; Betty Bollinger; Bill Jones; Bonnie Cruz; Carol Heintz; Charlie Proulx; Chuck Tyrrell; Dan Perlmutter; Daniel Holbrook; Daniel Kleman; Dave Pollard; Denise French; Donna Rhoden; Ed Fry; Edward Cunningham; George Disaia; Greg Oravec; Helen Quintana; Jack Reisinger; James Angstadt; Janet Graham; Jay McBee; Jeffrey Bremer; Jesus Merejo; Joanne Fitzgerald; Joe Taylor; Joel Dramis; Julian Aldarondo; Linda Bagley; Linda Bartz; Lira Walker; Margie Wilson; MaryAnn Verillo; Mayor Falella; Melissa Jungjohan; Michele Fogel; Michelle Berger; Nancy Brinson; Natalie Cabrera; Pam Booker; Pat Shutt; Patricia Christensen; Patricia Roberts; Patricia Roebeling; Patricia Selmer; Patti Tobin; Patty Lipp; Renee Major; Robln Dorfmeister; Robln Hampl; Roger Orr; Ron Bowen; Roxanne Chesser; Rusty Bedell; Sally Walsh; Shannon Martin; Sherman Conrad; Sue Walsh; Susan Williams; Thomas O'Reilly; Wendy Russell; Yolanda Ruiz; Yvette Cruz
Subject: 2013 Council & CRA Meeting Schedule

Attached please find the 2013 meeting schedules for the City Council Regular & Special meetings and the CRA meetings.

Karen A. Phillips, CMC
City Clerk

City of Port St. Lucie
(772) 344-4370
(772) 344-4094 Fax

Greg Oravec

From: Greg Oravec
Sent: Friday, December 14, 2012 7:05 PM
To: Ron Bowen
Cc: Mayor Faiella; Edward Cunningham; MaryAnn Verillo; Bonnie Cruz; Michelle Berger; Shannon Martin; Linda Bartz; Jeffrey Bremer; Patricia Roebbling
Subject: RE: MPO Meeting on Monday

Councilman Bowen,

I look forward to catching up with you on this and related matters. A staff person from the Engineering Division will be in attendance at the subject Martin County MPO meeting.

Thank you,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

***TEAM
PORT ST. LUCIE***

*A GROUP OF PEOPLE DEDICATED
TO ONE THING;*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*

From: Ron Bowen
Sent: Friday, December 14, 2012 5:12 PM
To: Greg Oravec
Cc: Mayor Faiella; Edward Cunningham; MaryAnn Verillo; Bonnie Cruz; Michelle Berger; Shannon Martin; Linda Bartz
Subject: MPO Meeting on Monday

MEMORANDUM

TO: Gregory Oravec, City Manager
FROM: Ron Bowen, Councilmember
DATE: December 14, 2012

SUBJECT: MPO Representative

Dear Mr. Oravec,

Please be advised that I will be attending the Monday, December 17, Martin County MPO meeting. There is no need to send Ed Cunningham. I will be representing the City of Port St. Lucie, and I am requesting an appropriate City staff member to attend.

I will report back on the outcome of the MPO meeting.

Sincerely,

Ron Bowen
Councilmember, District 4

Greg Oravec

From: Greg Oravec
Sent: Friday, December 14, 2012 7:05 PM
To: Ron Bowen
Cc: Mayor Falella; Edward Cunningham; MaryAnn Verillo; Bonnie Cruz; Michelle Berger; Shannon Martin; Linda Bartz; Jeffrey Bremer; Patricia Roebbling
Subject: RE: MPO Meeting on Monday

Councilman Bowen,

I look forward to catching up with you on this and related matters. A staff person from the Engineering Division will be in attendance at the subject Martin County MPO meeting.

Thank you,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

TEAM
PORT ST. LUCIE

*A GROUP OF PEOPLE DEDICATED
TO ONE THING:*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*

From: Ron Bowen
Sent: Friday, December 14, 2012 5:12 PM
To: Greg Oravec
Cc: Mayor Falella; Edward Cunningham; MaryAnn Verillo; Bonnie Cruz; Michelle Berger; Shannon Martin; Linda Bartz
Subject: MPO Meeting on Monday

MEMORANDUM

TO: Gregory Oravec, City Manager
FROM: Ron Bowen, Councilmember
DATE: December 14, 2012

SUBJECT: MPO Representative

Dear Mr. Oravec,

Please be advised that I will be attending the Monday, December 17, Martin County MPO meeting. There is no need to send Ed Cunningham. I will be representing the City of Port St. Lucie, and I am requesting an appropriate City staff member to attend.

I will report back on the outcome of the MPO meeting.

Sincerely,

Ron Bowen
Councilmember, District 4

Greg Oravec

From: Greg Oravec
Sent: Tuesday, December 18, 2012 2:48 PM
To: Roger Orr
Subject: FW: Council Office Staff Meeting

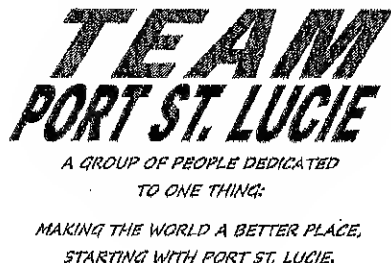
Roger,

Do you think that they may venture into items which require a vote? Other places sometimes have a low key advertised meeting around a conference table. The discussion of staffing may lead to budget items and other matters requiring a vote.

Thanks,

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]



From: Bonnie Cruz
Sent: Tuesday, December 18, 2012 2:40 PM
To: Mayor Falella; Linda Bartz; Michelle Berger; Shannon Martin; Ron Bowen; Greg Oravec; Roger Orr
Cc: Yvette Cruz; MaryAnn Verillo; Denise French; Patty Lipp
Subject: RE: Council Office Staff Meeting

I received responses that the best day to meet is:

Thursday, 1/3/13 from 8:30am – 10am. Please post your calendars and send me discussion items to be placed on the agenda. Thank you.

From: Bonnie Cruz
Sent: Monday, December 17, 2012 3:04 PM
To: Mayor Falella; Linda Bartz; Michelle Berger; Shannon Martin; Ron Bowen; Greg Oravec; Roger Orr
Cc: Yvette Cruz; MaryAnn Verillo; Denise French; Patty Lipp
Subject: RE: Council Office Staff Meeting

Unfortunately the below date was not convenient either. Please review your calendars for the following dates:

Wednesday, 1/2/13 – anytime
Thursday, 1/3/13 – 8:30am-10:30am

An agenda will be prepared, please notify me of your items for discussion. Thank you.

From: Bonnie Cruz
Sent: Friday, December 14, 2012 3:58 PM
To: Mayor Faiella; Linda Bartz; Michelle Berger; Shannon Martin; Ron Bowen; Greg Oravec; Roger Orr
Cc: Yvette Cruz; MaryAnn Verillo; Denise French; Patty Lipp
Subject: RE: Council Office Staff Meeting

This date was not convenient, please review Wednesday, December 26 at 10am. Thank you.

From: Bonnie Cruz
Sent: Friday, December 14, 2012 3:29 PM
To: Mayor Faiella; Linda Bartz; Michelle Berger; Shannon Martin; Ron Bowen; Greg Oravec; Roger Orr
Cc: Yvette Cruz; MaryAnn Verillo; Denise French; Patty Lipp
Subject: RE: Council Office Staff Meeting

The Mayor is requesting to schedule this meeting next week, I am inquiring on your availability to meet on Tuesday, December 18 at 3pm.

Also please let me know if you have items to be placed on the agenda. Thank you.

From: Bonnie Cruz
Sent: Friday, December 14, 2012 11:30 AM
To: Mayor Faiella; Linda Bartz; Michelle Berger; Shannon Martin; Ron Bowen; Greg Oravec; Roger Orr
Cc: Yvette Cruz; MaryAnn Verillo; Denise French; Patty Lipp
Subject: Council Office Staff Meeting

The Mayor is requesting to schedule a Council/Staff meeting for January 2013 and to include the City Manager and City Attorney. Reviewing your calendar the following dates are available:

Tuesday, 1/8/13 at 9am
Thursday, 1/10/13 at 9am
Wednesday, 1/16/13 9am
Thursday, 1/17/13 at 11am

Please let me know your availability to meet.

MEMORANDUM

RECEIVED

DEC 18 2012

TO: Gregory J. Oravec
FROM: Ron Bowen, Councilmember
DATE: December 19, 2012
SUBJECT: Protocol

City Manager's Office

Dear Mr. Oravec,

I received your voice mail message regarding yesterday's MPO meeting. First of all, you seem to have a bad habit of wanting to have the last word with me no matter what the circumstance is. Your self-righteous tone of voice on a voice mail message has me wondering if you understand that you work for the Council and not the other way around.

For your information, I attended the Martin County MPO meeting yesterday arriving 15 minutes before the 9:00 a.m. meeting. I registered my presence at the log-in sheet provided. I noticed no one from the City had signed in before the meeting. I checked when I left the meeting and still no sign in from the City. No one identifying themselves from the City approached me before the meeting. No staff member sat with me during the meeting.

I left the meeting a few minutes early in order to drop-off MRI film to my doctor in Stuart. When I left, no one followed and identified themselves as a staff member. I was asked in passing by the Mayor and your assistant how the meeting went. I mentioned in passing that the meeting was good but I saw no staff member.

Thank you for correcting me by advising me that a staff member did attend the meeting. Furthermore, that is all they did was to attend the meeting and nothing else. No introduction or interaction at all.

In the future, I would hope that any staff member attending a meeting where a Council member is present would at least record their presence and introduce their self before the meeting.

In closing, I would like to remind you again that you work for the City Council. It appears that you may have forgotten this during your extensive re-organizations.

I look forward to speaking with you at our January 3rd staff meeting. Until then, Merry Christmas to you and your family.

Respectfully yours,



Ronald E. Bowen
Councilmember, District 4

Cc: City Council

Greg Oravec

From: Tonia <toravec@comcast.net>
Sent: Tuesday, December 18, 2012 5:24 PM
To: Greg Oravec
Subject: Re: Scanned image from MX-2600N

He's a jerk!

Sent from my iPhone

On Dec 18, 2012, at 5:07 PM, Greg Oravec <GOravec@cityofpsl.com> wrote:

>
>
> Gregory J. Oravec
> City Manager
> 121 SW Port St. Lucie Boulevard
> Port St. Lucie, FL 34984
>
> (772) 344-4371
> (772) 871-5248 [fax]
> -----Original Message-----
> From: Sharp Scanner On Behalf Of sharp@
> Sent: Tuesday, December 18, 2012 5:11 PM
> To: Greg Oravec
> Subject: Scanned image from MX-2600N
>
> Reply to: sharp@cityofpsl.com <sharp@cityofpsl.com> Device Name: Not
> Set Device Model: MX-2600N
> Location: Not Set
>
> File Format: PDF (Medium)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader or Adobe(R)Reader(TM) of Adobe Systems Incorporated to view the document.
> Acrobat(R)Reader or Adobe(R)Reader(TM) can be downloaded from the following URL:
> Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe
Systems Incorporated in the United States and other countries.
>
> <http://www.adobe.com/>
> <sharp@cityofpsl.com 20121218 171108.pdf>

Dear Councilman Bowen, 12/20/12

I would like to offer my sincerest apologies for publicly referring to you as a "jerk" in response to your ~~so~~ memo. I love my husband very much and will always come to his defense. But I have learned that I need to be more careful when choosing an appropriate outlet to do that. Please understand that I thought my email was private and that I would have never intentionally sent such an email.

I hope that you can accept my apology and know I acted on my own accord and the opinion was strictly mine and not that of Greg's. I apologize for any harm, or embarrassment this may have caused you.

Sincerely, Jonia Orourke

December 21, 2012

Re: Holiday Wish

Dear Mayor & City Council,

As 2012 comes to a close, the calendar and circumstances have given me cause to reflect on my time with the City of Port St. Lucie and to share what follows. The last nine months have been amazing, and it is impossible for me to adequately convey my gratitude for this experience. Everyday has provided unique learning experiences, a chance to continue the process of building an outstanding team and an opportunity to get something done for our citizens. If you reflect on what our team has accomplished in nine months, especially considering how difficult the last three years have been, I hope you feel a sense of pride, excitement and enthusiasm about the future of our City and organization.

This letter is formed from a combination of intimate thoughts, hopes and dreams for the City. These things may very well be better discussed than written; but, many practical factors conspire against our ability to easily have such a discussion; most notably time and the public meeting laws which (are cherished but also) constrain our ability to hold impromptu meetings and can make baring one's soul uncomfortable at best. Accordingly, I feel compelled to get this out...much to the chagrin of my wizened assistants, who should know how much I value and respect them.

My holiday wish is for you to consider the following pitch. Here it goes—the City Council, City staff, the City as a whole and Team Port St. Lucie could reap enormous benefits from the City Council, City Attorney, City Clerk and City Manager participating in a professionally facilitated communication and teambuilding workshop. I have watched the City fall short of its great potential over the last three years in part because of difficult external factors but in equal or greater part because of self-inflicted imbroglios. I believe these imbroglios occur for systemic reasons which will continue until the causal factors change because I have watched them occur beyond the tenure of any one official, appointed or elected. Much to my horror, I have been confronted with the reality that I am now somehow contributing to them, and I want you to know that I am committed to breaking the cycle. To this end, I would like to suggest that the best way to change the causal factors and the cycle is to, as a group, collectively recognize that they exist, name them, study them and then modify the behavior that creates them. I do not think it would be an easy or instant process; but, I do believe with all my heart that it can be done. In fact, I would suggest that the aforementioned workshop could be the key first step to help us do it. There are many success stories from across the country to support this suggestion, but we need not look anywhere other than our own history.

As you may be aware, there was once a divided Council and administration exactly two decades ago, who met on December 17, 1992, to carry out what was later called a “marriage counseling”. Though someone who was there characterizes it as the most professionally embarrassing experience of a long career, he also confesses that in the days, weeks and months following that session, that divided group of individuals eventually came together to form a cohesive team that was one of the best we ever had, one which would go on to approve water and sewer expansion throughout the entire City (one of our crowning achievements) and to enable the City to reach previously unattainable heights.

I find the parallels between now and then striking; and, just like then, there is so much potential for you to lead the City to another level. The time is right both literally with the New Year and more figuratively as a result of several important external factors and opportunities such as a rebounding economy. I would very much like to be part of the entire journey, but am especially intrigued to see what could come out of a workshop in which we learn how to better communicate with each other, where I can learn how to be a better teammate, a better city manager and a better employee.

With this pitch delivered, I turn my attention from "talk" to the much more difficult part—the "walk". I would like to cut through rumors and the grapevine to open up and to share something very fundamental about me, your employee, directly with you, the entire City Council. In this effort, it may strike some of you as only fitting that I would find real meaning in the words of a fictional pirate, who said:

The only rules that really matter are these: what a man can do and what a man can't do. For instance, you can accept that your father was a pirate and a good man or you can't. But pirate is in your blood, boy, so you'll have to square with that some day. And me, for example, I can let you drown, but I can't bring this ship into Tortuga all by me onesies, savvy?

But truly, one of my most cherished learning experiences over the last nine months has been realizing how Captain Jack Sparrow's rules apply to my professional life, grasping in a very tangible way, what I can do, and what I can't do. While I will not share the corresponding lists in their entirety here, I would like you to know that:

I can (and I will): continuously improve to better serve you as a body; implement the body's policy; build an outstanding results-oriented team; lead that team in successfully raising the bar on our quality of life; keep my promises; deliver results; be a better listener; and respond positively to constructive criticism.

I can't succeed in doing the above (what I can and will do) without open lines of communication or in an environment where officials talk *about* each other without talking *to* each other, where unexplained grievances, supercharged by gossip, morph into crises which usurp the resources of the organization from that which matters most—fulfilling your vision on how to serve our citizens.

I greatly appreciate your consideration of this holiday wish and for allowing me to share my thoughts with you. Thank you for an incredible year. I look forward to what the future holds.

Wishing you and your families the happiest of holidays, I am

Yours in service,

A handwritten signature in black ink, appearing to read "G. Oravec", enclosed within a large, loopy oval shape.

Gregory J. Oravec

Greg Oravec

From: Greg Oravec
Sent: Friday, December 21, 2012 8:52 PM
To: Mayor Faiella; Linda Bartz; Michelle Berger; Shannon Martin; Ron Bowen
Cc: Patty Lipp; MaryAnn Verillo; Yvette Cruz; Bonnie Cruz
Subject: Apology

Dear Councilman Bowen, Mayor and Council members,

Prior to fully unplugging for the long holiday weekend, I wanted to send one last piece of correspondence. I wanted to be sure to let you know how very sorry I am about my wife's e-mail and any pain or embarrassment it may have caused you, Councilman Bowen, directly or to any member of the City Council. I feel very fortunate to serve you and also to have such a loving wife. When considering this matter in the context of the Golden Rule, I know that I would not want to be in the position that my wife and I have put you in. Accordingly, I hope you can accept this sincere apology.

Happy Holidays,

Greg

MEMORANDUM

RECEIVED

DEC 27 2012

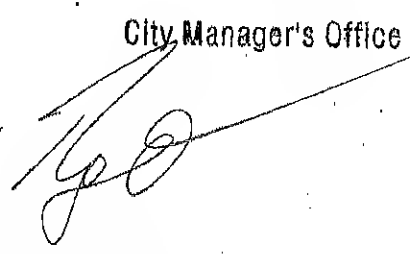
TO: CITY COUNCIL
CITY MANAGER

FROM: ROGER G. ORR, CITY ATTORNEY

DATE: DECEMBER 26, 2012

SUBJECT: PORT ST. LUCIE CITY CHARTER SECTION 3.07

City Manager's Office



I have been asked to provide an interpretation of Section 3.07 of the City Charter. More specifically, I have been asked to clarify how that section of the City's Charter governs Council members in their interaction with City employees when they are seeking information needed to perform their duties as elected officials.

Section 3.07 of the City Charter is titled "Interference with Administration." This section in its entirety states as follows:

"Except for the purpose of inquiries relating to present or proposed legislation, the Council or its members shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately."

Section 4.01 of the City Charter establishes the City Manager as the Chief Administrative Officer of the City, responsible to the Council for the administration of all City affairs placed in his charge by or under this Charter. His powers are further defined in Section 4.04 of the Charter which further provides that he shall direct or supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

The structure of the City Manager form of government as thus established by the Charter creates a delineation of the duties and responsibilities between the City Council as the legislative body and the City Manager as the Chief Administrative Officer. The purpose of Section 3.07 is to provide some guidance as to how those different functions interact. As stated in its title, Section 3.07 deals with the issue of interference by the City Council with the City Manager in his execution of his duties and responsibilities. I think that the language is very clear that Council members may not give direction to any officer or employee that is under the direction and supervision of the City Manager.

The portion of Section 3.07 that is specifically to be reviewed herein is the language that provides: "Except for the purpose of inquiries relating to present or proposed legislation, the Council or its members shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager..."

In order to better understand what is intended by this language I think it is useful to look at the history of its derivation. The City's Charter was adopted in 1976 pursuant to a referendum. The Charter adopted in 1976 was drafted using the Model City Charter that was available as a guide at that time. However, the language we currently find in Section 3.07 was amended from that which was originally adopted in 1976. In 1986, pursuant to a recommendation of the City's Charter Revision Committee, the Council adopted Ordinance 86-62, a copy of which is attached hereto, which proposed an amendment to Section 3.07, as well as other sections. This ordinance was approved by the City Council in July, 1986. The issue was presented to the voters in November of that year and the revisions were approved at that time.

To help put these changes in a clearer context, I reviewed the current version of the Model City Charter, Eighth Edition. This was approved by the National Civic League in 2003. The relevant language is found in Section 2.05, Prohibitions, which states as follows:

"(c) Interference With Administration. Except for the purpose of inquiries and investigations under Section 2.09, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the Council nor its members shall give orders to any such officer or employee either publicly or privately."

Section 2.09 of the Model City Charter, Eighth Edition, deals with the Council's authority to conduct investigations, which is virtually identical to the language found in Section 9.05 of the Port St. Lucie City Charter.

Of particular interest is the commentary that is provided with the Model City Charter following the language of Section 2.05(c). In this commentary it is stated:

"Council members are strictly prohibited from giving orders to City officers or employees. However, the prohibition against interference with administration does not prevent Council members from making inquiries of department heads or employees for the purpose of obtaining information needed by them in the discharge of their duties including response to constituent requests. Information provided to one Council member should be shared with the entire Council as warranted.

The Council and Manager should define the parameters for such requests and establish reasonable boundaries. In some cities, automated information systems make information on aspects of departmental operations readily available to Council members on computer terminals."

A copy of the introduction to the Eighth Edition of the Model City Charter and the language which I have referenced as Section 2.05 and the commentary thereon are attached hereto.

As you will see from the language in Ordinance 86-62, the 1976 Charter language addressing this issue allowed City Council members to deal with City officers and employees for the purpose of inquiries and investigations. In my opinion, this language is consistent with the concept of interaction between Council members and staff as explained in the commentary quoted above. I believe it is consistent that the 1986 revisions to Section 3.07 qualified the reference to inquiries and investigations by stating as follows: "Except for the purpose of inquiries and investigations, the Council or its members shall deal with the City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager..." I believe it is significant that that language was taken out of Section 3.07 and in its place we find: "Except for the purpose of inquiries relating to present or proposed legislation the Council or its members shall deal with City officers or employees who are subject to the direction and supervision of the City Manager, solely through the City Manager..." The language found in the current City Charter is far more restrictive than the language that was in the original Charter adopted in 1976.

I think it is particularly informative to understand what was intended by the 1986 Charter revision amendments to look to the minutes of the Charter Revision Committee and the City Council as they discussed these changes in anticipation of placing these amendments on the ballot. The minutes of the Charter Revision Committee of July 26, 1983, is the first substantive discussion of Section 3.07. Attached to this memorandum are pages 10 and 11 of those minutes. I would suggest that the Charter Revision Committee was, by these proposed amendments, seeking to establish a line in the sand whereby Council members could make inquiries and submit questions to department heads and other City employees only through the City Manager with the exception of inquiries pertaining to pending or proposed legislation or formal investigations as provided in Article IX in the Charter.

The next relevant discussion of the Charter Revision Committee is found in the minutes of August 9, 1983. Pages 1, 2 and 3 of those minutes are attached for your ease of reference. I would suggest that the discussion by the Charter Revision Committee as reflected in these minutes again is a departure from the language of the

City Council
City Manager
(subject)
December 26, 2012
Page 4 of 4

Model City Charter and was intended by design to channel non-legislative inquiries through the Office of the City Manager.

Also attached are copies of the City Council Workshop meeting minutes of July 7, 1986, wherein the City Council was considering a recommendation of the Charter Revision Committee pertaining to Section 3.07. Some of the comments of the City Council members further reflect the intention of this change to be very restrictive on the ability of the Council members to make inquiries of City staff members outside the context of legislative matters without going through the Office of the City Manager.

It is therefore my opinion that Section 3.07 of the City Charter is Intended to disallow interaction between City Council members and City employees except for the purpose of inquiries relating to present or proposed legislation. Inquiries by the Council members for the purpose of gathering information or asking questions relevant to or necessary to their performance of their duties as elected officials may only be accomplished through the City Manager. It is recognized that in the past Port St. Lucie City Managers have tacitly allowed Council members to make inquiries directly to City staff to facilitate the performance of their duties as elected officials; however, that has been in accordance with the policy of those individual City Managers. I would suggest that the current City Manager has set forth the guidelines he wants followed pursuant to Section 3.07 of the City Charter. Attached is his memorandum of May 4, 2012, setting forth those procedures. I would further suggest, although other City Managers have taken a different approach to this issue, the current City Manager's directive is consistent with Section 3.07 of the City Charter.

Please advise if you have any further questions in this regard.

RGO/dmf

#2

ORDINANCE 86-02

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF PORT ST. LUCIE, FLORIDA PROPOSED AMENDMENTS TO SECTIONS 3.02, 3.07, 4.02(a), 4.02(b), AND 4.02(c), PORT ST. LUCIE CITY CHARTER, TO BE PLACED ON THE BALLOT FOR REFERENDUM AT A GENERAL ELECTION TO BE HELD WITHIN THE CITY, PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The purpose of this Ordinance is to authorize the Supervisor of Elections of the County of St. Lucie, Florida, to set forth on the ballot at the next general election to be held in the City of Port St. Lucie, Florida, on November 4, 1986, the proposed Charter Amendments to Sections 3.02, 3.07, 4.02(a), 4.02(b), and 4.02(c), City of Port St. Lucie Charter, which are attached hereto and by reference incorporated herein as Exhibits A through C.

Section 2. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 29th day of JULY, 1986.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: William B. MoChesney
William B. MoChesney, Mayor

ATTEST:

Sandra C. Kopp
Sandra C. Kopp, City Clerk

APPROVED, AS TO FORM:

Joseph Masi
Joseph Masi
Assistant City Attorney

BALLOT FOR CHARTER AMENDMENTS REFERENDUM

A referendum is called for amendment to Section 3.02, City of Port St. Lucie Charter, establishing the qualifications for the office of city council member or mayor. Section 3.02 presently reads as follows:

Any elector of the City, who has resided in the City for at least six (6) months, shall be eligible to hold the office of city council member or mayor. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.

and is proposed to be amended to read as follows:

Any elector of the City, who has resided in the City for at least one (1) year, shall be eligible to hold the office of city council member or mayor. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.

SHALL SECTION 3.02, CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO PROVIDE FOR A ONE (1) YEAR RESIDENCY REQUIREMENT FOR THE OFFICE OF MAYOR OR CITY COUNCIL MEMBER.

12

BALLOT FOR CHARTER AMENDMENTS REFERENDUM

A referendum is called for amendment to Section 3.07, City of Port St. Lucie Charter, to allow the city council or its members to make inquiries relating to present or proposed legislation as an exception to the requirement that the council deal solely with the city manager and to delete language from the section in order to clarify the scope of council members' authority and limit their interference in city administration. Said section presently reads as follows:

Except for the purpose of inquiries and investigations, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by questions and personal observation, all aspects of city government operation so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this charter, however, that recommendations for improvement in city government operations by individual council members be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

and is proposed to be amended to read as follows:

Except for the purpose of inquiries relating to present or proposed legislation, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

7

SHALL SECTION 3.07, CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO ALLOW THE CITY COUNCIL OR ITS MEMBERS TO MAKE INQUIRIES ONLY RELATING TO PRESENT OR PROPOSED LEGISLATION, TO REQUIRE THE CITY COUNCIL TO DEAL SOLELY WITH THE CITY MANAGER AND TO DELETE LANGUAGE FROM THE SECTION IN ORDER TO CLARIFY THE SCOPE OF COUNCIL MEMBERS' AUTHORITY.

112

BALLOT FOR CHARTER AMENDMENTS REFERENDUM

A referendum is called for amendments to Section 4.02(a), 4.02(b), and 4.02(c), City of Port St. Lucie Charter, establishing the procedure for the appointment, removal, and compensation of the office of city manager to provide for the execution of an employment contract between the city council and the city manager, to establish grounds for removal of the city manager by majority vote plus one (1) of the council members, and to delete the subsection pertaining to compensation of the city manager.

Section 4.02 presently reads as follows:

(a) Appointment. The council shall appoint a city manager for an indefinite term by a majority vote of all the council members.

(b) Removal. The council may remove the manager by a majority vote of all the council members and upon demand by the manager, a public hearing shall be held prior to a vote to remove the manager.

(c) Compensation. The compensation of the manager shall be fixed by the council and shall not be reduced during his tenure.

and is proposed to be amended to read as follows:

(a) Appointment. By majority vote of all members, the council shall appoint a city manager and shall execute an employment contract with the city manager.

(b) Removal. The council may remove the manager by a majority plus one (1) of all the council members. Upon demand by the manager a public hearing shall be held prior to a vote to remove the manager.

SHALL SECTIONS 4.02(a), 4.02(b) and 4.02(c), CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO PROVIDE FOR THE EXECUTION OF AN EMPLOYMENT CONTRACT, INCLUDING COMPENSATION, BETWEEN THE CITY COUNCIL AND THE CITY MANAGER, TO ESTABLISH GROUNDS FOR REMOVAL OF THE CITY MANAGER BY MAJORITY VOTE PLUS ONE (1) OF THE COUNCIL MEMBERS, AND TO DELETE THE SUBSECTION PERTAINING TO COMPENSATION OF THE CITY MANAGER.



CITY OF PORT ST. LUCIE

.....

KEEP PORT ST. LUCIE BEAUTIFUL

July 31, 1986

Mrs. Gertrude Walker
SUPERVISOR OF ELECTIONS
St. Lucie County
2300 Virginia Avenue
Ft. Pierce, Florida 33482

Re: Ballot for Charter Amendments - November

Dear Mrs. Walker:

Enclosed is a copy of Ordinance 86-62 which submits to the electors of the City of Port St. Lucie, proposed amendments to the City Charter. These ballot questions are requested to be on the November 4, 1986 ballot.

If you have any questions please let me know.

Sincerely,

Sandra C. Krause, CMC
City Clerk

M E M O R A N D U M

TO: CITY COUNCIL
FROM: MEL LOVERIDGE, CHAIRMAN CHARTER REVIEW
DATE: JUNE 26, 1986

Mel Loveridge

SUBJECT: BALLOT LANGUAGE INCLUDED IN THE PROPOSED ORDINANCE 86-62

At the Charter Review Committee meeting on June 24, 1986 the following conclusions were reached regarding Ballot Language indicated on Exhibits A, B, C.

We found the language regarding Section 3.02 to be adequate.

We felt the following language more clearly states the intention of changes in Section 3.07.

"SHALL SECTION 3.07, CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO ALLOW THE CITY COUNCIL OR ITS MEMBERS TO MAKE INQUIRIES ONLY RELATING TO PRESENT OR PROPOSED LEGISLATION, TO REQUIRE THE CITY COUNCIL TO DEAL SOLELY WITH THE CITY MANAGER AND TO DELETE LANGUAGE FROM THE SECTION IN ORDER TO CLARIFY THE SCOPE OF COUNCIL MEMBERS' AUTHORITY."

We felt that a slight change in language relating to Sections 402 (a), (b) and (c) would be appropriate. It makes clear that compensation will be treated in the contract.

"SHALL SECTION 402 (a), 402 (b) and 402 (c), CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO PROVIDE FOR THE EXECUTION OF AN EMPLOYMENT CONTRACT, INCLUDING COMPENSATION, BETWEEN THE CITY COUNCIL AND THE CITY MANAGER, TO ESTABLISH GROUNDS FOR REMOVAL OF THE CITY MANAGER BY MAJORITY VOTE PLUS ONE (1) OF THE COUNCIL MEMBERS, AND TO DELETE THE SUBSECTION PERTAINING TO COMPENSATION OF THE CITY MANAGER".

*Copy 5
Pres
Clerk
Book
Charter
Committee
Attorney
Manager*

M E M O R A N D U M

TO: CITY COUNCIL
FROM: MEL LOVERIDGE, CHAIRMAN CHARTER REVIEW
DATE: MAY 19, 1986
SUBJECT: SECTION 3.02

QUALIFICATIONS: Any elector of the city who has resided in the city for at least 12 months immediately prior to qualification, shall be eligible to hold office of City Council member or Mayor. The rest of the section shall remain as written.

Mel Loveridge *ML*
Mel Loveridge Chairman

TO: City Council
FROM: Charter Review Committee
DATE: May 5, 1986
SUBJECT: Charter Changes

*Council 5
File
Cliff
Book
Manager
Charter
Committee 7*

On March 11, 1986 we considered the recommended charter changes made in our attachment to our December 2, 1983 memorandum. We felt that three of our recommended changes are of sufficient importance that they should be placed before the electorate in the next general election. They relate to 1) Interference With Administration (Section 3.07), and City Manager, appointment, removal, compensation (Section 4.02 (a), (b) and (c)).

For your convenience we are including our original language changes and other changes made necessary by further discussion on the subjects. Underlining in Section 3.07 indicates added language. Dashed through indicates removal of text.

SECTION 3.07 From October 21, 1983

Interference With Administration: Except for the purpose of inquiries and investigations relating to present or proposed legislation, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this charter, however, that recommendations for improvement in city government operations by individual council members be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

SECTION 4.02 (a) Appointment

The council shall appoint a city manager for an indefinite term by a majority vote of all the council members.

Delete current text and substitute:

"By majority vote of all members, the council shall appoint a City Manager and shall execute an employment contract with the City Manager."

SECTION 4.02 (b) Removal

The council may remove the manager by a majority vote of all the councilmembers and upon demand by the manager, a public hearing shall be held prior to a vote to remove the manager.

Delete current text and substitute:

"The council may remove the manager by a majority vote plus one of all the council members. Upon demand by the manager a public hearing shall be held prior to a vote to remove the manager."

SECTION 4.02 (c) Compensation

The compensation of the manager shall be fixed by the council and shall not be reduced during his tenure.

Delete this subsection

We have been asked to review again removal of the 10% cap on increasing ad valorem taxes. This matter has been placed before the electorate before but we will discuss it again on May 13. You will be advised of our conclusion.

Melvin E. Loveridge
Melvin E. Loveridge
Chairman
Charter Review Committee

INTRODUCTION

The eighth edition of the *Model City Charter* strongly endorses the council-manager structure of municipal government that was first proposed in 1915 as the National Civic League's (then the National Municipal League's) model form. In the years since, the *Model* has been refined to reflect the evolution of the council-manager plan, the most widely used governmental structure in American cities with a population over 10,000. The fundamental principle of the model, that all powers of the city be vested in a popularly elected council that appoints a professional manager who is continuously responsible to and removable by the council, has endured ever since.

A Model for the 21st Century

The realization that the *Model City Charter* has exerted enormous influence in promoting the municipal reform agenda for more than a century made those responsible for the eighth edition acutely aware of the model's evolution and of the obligation to make it an effective force for the future. Reforming reform is a delicate undertaking. To make revisions in the specifics of reform measures and to suggest alternatives to strongly held positions should not be viewed as rejecting the past but as building on it to meet changing circumstances with the benefit of wider experience. Institutions must be adapted to address new priorities and new concerns, and to be useful, models must assist in the process of adaptation.

As the National Civic League's Model City Charter Revision Committee undertook development of the eighth edition, participants considered the concept of a model. Back in 1944, on the occasion of the National Civic League's 50th anniversary, Harold Dodds, then president of Princeton University and a former executive director and president of the National Municipal League, described the purpose of a model as being

... to set patterns clearly and specifically, delineating the best practice and the best thought on a problem, to correct existing defects, to set high standards which provide something to fight for instead of against ... the model laws brought stability, dignity and scientific fact to 'reform.' They made readily available to officials and citizens the product of the able thinkers on governmental problems.

There have been two views as to how best to fulfill this purpose. One insists that a model presents the ideal structure of local government while the other sees a model as being based on a general principle of organization or process. In the latter case the model presents alternative means for achieving the basic end.

The first view was an essential part of the tactics of the zealous reformers of the Progressive Era. They were promoting new approaches with limited proven records, and they advocated the adoption of the new package in its entirety to ensure that the innovative logic for government reorganization was given a chance to work. At a time when the council-manager plan was a novel form of government, this view of the *Model City Charter* was quite understandable. The successors to the Progressive reformers advocated what they considered to be a tried-and-true approach and felt that alternatives deviating from this ideal were invitations to dilution and distortion that could undermine the basic reform goal. With the widespread acceptance of the council-manager form of government and its use in communities of varying size and circumstance, the current situation is quite different. A more pressing need today is to consider whether and how the council-manager

plan might be adapted to respond to contemporary challenges. Such response may include using alternatives that depart from the original reform formulation.

Beginning with the 1964 edition of the *Model City Charter*, a modification of the view of the earlier reformers was evident. The foreword to that edition stated:

For the first time, the *Model* presents, in addition to the preferred provisions, alternatives on such matters as the composition and election of the council and the selection of mayor. Some advisors and consultants objected to the inclusion of legal texts which depart from the stated preferences, but the overwhelming majority agreed that it is advisable to provide guidance for adapting the council-manager plan to a variety of local circumstances without sacrificing the fundamental principle that the top professional serves at the pleasure of the governing body.

The eighth edition of the *Model City Charter* continues to endorse the council-manager plan, but it presents alternatives for certain key provisions without indicating an absolute preference.

A Model with Alternatives

One of the changes made in the eighth edition is the inclusion of a preamble, which emphasizes that the charter is the constitution of the municipality adopted by its citizens. Some of the more important changes to the model provisions dealing with the council and the mayor are considered below.

The Council. Out of a concern for increasing the capacity for governance, the second edition stressed the importance of a small council whose members had a perspective that was greater than that of a particular neighborhood or small section of city. At the same time, proportional representation from the city at-large, or from multi-member districts in "great" cities, was included to insure that the governing body provides "fair representation of all large minorities" and is "truly representative of all elements and groups of opinion." The option of using districts was dropped until the sixth edition, but through 1941, the Hare system of proportional representation was endorsed as the preferred way to elect the council. The current edition offers five alternatives. The importance of the at-large principle is emphasized, but the need for geographical representation or even more flexible proportional representation under certain circumstances is explained.

There is strong support for the all at-large council alternative in smaller municipalities and in those cities where assuring fair representation of minority populations is not an issue. In cities where minority representation is enhanced by election from districts, consideration of the alternatives for mixed systems, with some council members elected at large and some by districts, is recommended.

It is also recognized that councils elected entirely from districts frequently have been mandated by the U.S. Justice Department or by court decisions to assure equitable representation of racial minorities. Therefore, the all-district alternative is included in the article on elections and a special emphasis is given to districting criteria and procedures. The proportional representation alternative is continued. Concern for representation of minorities and the possibility of technological improvements that will simplify the voting process have renewed interest in proportional representation.

Whatever the alternative used to determine the composition of the council, the wide use of the council-manager plan has emphasized the central importance of the municipal council in local government. The basic principle that the executive is appointed by and responsible to the council has meant that particular attention is given to the composition of the council when local charters are under review.

The Mayor. The basic theory of the council-manager plan, which rejects the separation of powers concept with powers divided between the council and an elected chief executive, has been ambivalent on the role of the mayor in council-manager cities. Beginning in 1915, the *Model City Charter* provided that the mayor would be chosen by and from the council and would be the presiding officer of the council and head of the city for ceremonial purposes and for purposes of military law. No consideration was given to the role of the mayor as a policy leader. The 1964 edition recognized that in practice more than half of the council-manager cities had mayors elected directly by the voters. A direct election alternative was provided, but the preference for election by council was continued.

The 1964 commentary on the mayor did take notice of the policy leadership role of the mayor and cited the fact that many mayors elected by the council -- the preferred model -- had provided dynamic leadership. One such mayor was Murray Seasongood of Cincinnati, who in the early 1960s said, "I am on record over the years as believing that the mayor should be a person of real importance in the council-manager plan and is as essential to its proper operation as is the manager.... The emphasis should be on giving the mayor greater stature than he now possesses in the ordinary council-manager government."

This edition of the model charter emphasizes the need to further clarify the role of the mayor. It specifies certain duties of the non-executive mayor that are entirely consistent with the basic concept of the council-manager plan. The office is quite different from that of the elected chief executive in a system that separates executive and legislative powers. Rather, the mayor in the council-manager form is the chief legislator, the leader of the policy making team. This mayor can be a "strong" mayor who, not having to overcome the offsetting power of the council or not being bogged down with the details of managing the city's staff, can focus on facilitative leadership. The mayor is effective by helping the council and staff perform better. High involvement by the council and the manager and constructive relationships among officials are indicators of successful leadership by the mayor. Effectiveness does not mean charting an independent path or taking over tasks from the manager.

The new *Model* also specifically addresses the importance of strong political leadership and the potential for such leadership by the mayor in council-manager cities. This is based on three premises. First, relationships among officials in council-manager cities are cooperative rather than contentious because powers are not divided among officials. Second, this approach to mayoral leadership stresses the contributions of all officials rather than focusing on the mayor as the driving force in city government. Third, the potential for mayoral leadership is inherent in the council-manager form so long as the office is not actually hamstrung by arbitrary limitations. The mayor occupies a strategic location shaped by his or her close relationships with the council, manager, and individual citizens and groups in the community. The mayor is able to promote communications among officials and with the public. Unusual powers are not needed for leadership and may actually curtail leadership by separating the mayor from other officials. Any augmentation of the role of the mayor must not be construed as reducing the power of the council but rather as a way to provide

focus and leadership in the development of city policy. Nor should the role of the mayor intrude on the management of the city's operations by the manager.

The *Model* presents two alternative methods for choosing the mayor without stating a preference: direct election by the voters and election by and from the council. Communities are advised to consider the local situation in choosing between the two alternatives, determining which would be most conducive to the development of strong political leadership and effective professional administration.

Looking Ahead

The latest revision of the model charter was undertaken with the recognition that most municipalities now operate in a regional context that makes intergovernmental cooperation a necessity. This understanding led members of the revision committee to specify that along with his or her other duties the city manager should encourage regional and intergovernmental cooperation. A greater role for citizen participation in local governance has also been emphasized in the new model. While a time will certainly come for this edition to be revised in turn, there is no doubt that it ensures continuity with the purposes of the *Model City Charter* even as it recommends changes to meet the challenges of a new century.

Commentary.

Under the *Model*, council members are part-time officials and do not direct city departments. Council salary level depends on a variety of factors specific to each community, including the part-time nature of the position and the emphasis on policy-making rather than administration. The city should reimburse council members for expenses incurred in performing their duties, e.g., travel to the state capital to testify on behalf of the city.

The *Model* rejects the setting of the actual amount of compensation in the charter except for the salary of the first council after the charter goes into effect (see § 9.05(f)). The delay in the effective date of any salary increases provides ample protection.

The city should provide extra compensation for the mayor because, in addition to regular responsibilities as a council member, the mayor has intergovernmental, ceremonial, and city-related promotional responsibilities.

Section 2.05. Prohibitions.

(a) Holding Other Office. Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics.

Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the governing board of any regional or other intergovernmental agency.

(b) Appointments and Removals. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries, and investigations under § 2.09, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Commentary.

(a) This provision prohibits council members from concurrently holding other elective office, such as state legislator, as occurs in some states. Also prohibited is holding any other city office or employment during one's council term or for one year after leaving office. These provisions are designed to avoid conflict of interest situations. The charter is specific, however, that these prohibitions do not restrict any current or former officeholder from service on the boards of regional or other intergovernmental agencies. Such service is particularly valuable in accomplishing the objectives of intergovernmental cooperation.

(b) and (c) The prohibition against interference by council members in the appointment and removal of employees and in the administration of city programs does not include the broad language of earlier editions of the *Model* because it was considered too rigid and unrealistic. This provision, while expressing the general policy of noninterference, does not exclude communication between council members and the manager on questions of appointment and removal. The manager may seek advice from the council regarding appointments.

Council members are strictly prohibited from giving orders to city officers or employees. However, the prohibition against interference with administration does not prevent council members from making inquiries of department heads or employees for the purpose of obtaining information needed by them in the discharge of their duties including response to constituent requests. Information provided to one council member should be shared with the entire council as warranted. The council and manager should define the parameters for such requests and establish reasonable boundaries. In some cities, automated information systems make information on aspects of departmental operations readily available to council members on computer terminals.

Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) **Vacancies.** The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) **Forfeiture of Office.** A council member shall forfeit that office if the council member:

- (1) Fails to meet the residency requirements,
- (2) Violates any express prohibition of this charter,
- (3) Is convicted of a crime involving moral turpitude, or
- (4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) **Filling of Vacancies.** A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a

"The position of Vice-Mayor shall be rotated annually in district sequence." Roll call vote was as follows:

Mr. Loveridge	Yes
Mr. Alexander	Yes
Mr. Zemsky	Yes
Mr. Roussio	Yes
Mr. Murphy	Yes
Mr. Graeser	Yes

Regarding Section 3.07 (Interference with Administration), Mr. Loveridge questioned whether there is something that can shut off certain kinds of statements made by the Council. Mr. Alexander agreed there has been a lot done under the authority of this section, and he questions whether this was intended when the Charter was originally written. He advised that the City hires a City Manager to run the City, and if the Council does not believe in him or allow him to run the City, then he should be fired and another one hired. He said that this co-management of the City is not doing the people, the Council or the City Manager any good. Mr. Zemsky said he believes this is a matter of personalities; it is human nature and cannot be stopped by legislation. Mr. Alexander advised that we can spell out the reasons or the basis for when the Council can make inquiries of the individual department heads or employees of the City. He said that this should be based solely on their need to know in order to legislate. He pointed out that it should be limited to this, because there has been many things done under the authority of this section that was never intended. Mr. Loveridge said he personally finds the present wording fairly clear, however, some people have overstepped their bounds under this authority.

Mr. Graeser referred to the following sentence, "Nothing in the foregoing is to be construed to prohibit individual members of the Council from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Council." He noted that this sentence caused a problem because one Councilmember used it as his authority to conduct a witch-hunt. Mr. Zemsky said he was of the understanding that the Councilmen are supposed to go through the City Manager and not to the individual department heads. Mr. Graeser informed that he was the thorn in the side of the investigation in question, by stating at a Council meeting that he thought it was an illegal operation. Furthermore, he said he didn't believe a Councilman has the right to subpoena individuals and records and as a result he asked for a ruling from the City Attorney. He advised that the City Attorney informed that a Councilman does not have the authority to subpoena or conduct an independent investigation. At that time, the Council as a whole, agreed to investigate the matter and this substantiated what had already gone one for two or three weeks. He explained that this is the sentence which led this man to believe he had the authority to do what he did.

Mr. Alexander referred to the first line of the section which reads: "Except for the purpose of inquiries and investigations, the Council or its members shall deal with the City officers and employees who are

subject to the direction and supervision of the manager, solely through the manager..." He said that as legislators, the Council has the right to make any kind of inquiry they want, in order to help them legislate. He said that the Council went further than that, by use of the word "investigation." Mr. Zemsky suggested the wording be, "except for the purpose of inquiries to legislate," be used and the word "investigate" should be removed.

Mr. Murphy pointed out that this section is particularly wordy and if each member comments on the matter at this meeting, they may possibly be here till December. He recommended each member reduce his thoughts to writing and present them at the next meeting for discussion. This will also allow everyone to study the situation and determine what they believe is proper. The Committee agreed with the suggestion. Mr. Alexander advised that the section should be less wordy; the same thing can be said and understood using half the words. Mr. Graeser said that Mr. Murphy's suggestion should be expanded to include any situation.

In moving on with Section 3.08 (Holding Other Office), Mr. Zemsky said he believes this is self-explanatory and Mr. Loveridge agreed. Mr. Alexander referred to the sentence: "No person shall hold any compensated appointive city office..." and suggested this be changed to read, "No person shall hold any compensated or appointed city office..." Mr. Loveridge indicated that this will be hard to explain to the voters and Mr. Zemsky concurred that we leave well enough alone. Mr. Alexander referred to the fact that Ray Neighbours was appointed to the Code Enforcement Board right after he was defeated, and now he is serving on this Board. Mr. Zemsky pointed out that this is not employment as a position on a board or committee is not compensated. Mr. Alexander maintained that there should be a one year limitation after someone has held an elected position, even if they serve on a voluntary committee. Mr. Graeser advised that under the present charter, Ray Neighbours is perfectly legal because he is not being compensated. Mr. Loveridge said that it seems perfectly acceptable if someone wishes to render their services and expertise, after having held an elective office, as a member of a board or committee (uncompensated). Mr. Zemsky pointed out that someone could be defeated running for the Council, but he could still be the better man and the City would benefit by having his expertise as a member of a board. He disagreed with the one year restriction in this regard. Mr. Alexander said if someone is that good, then the City should give him a job and put him on the payroll. Mr. Rouso said that this would not be permitted until one year after he has held an elected office. Mr. Zemsky expressed his agreement with this section as it currently reads, the Committee agreed and Mr. Alexander withdrew his recommendation.

Mr. Loveridge referred to Section 3.09 (Vacancies, Forfeiture of Office, and Filling of Vacancies) and noted that this area is also rather complicated. He noted that since we have changed the term of office from two to four years, he questioned whether the six month period is too short and whether a one year period would be better. Mr. Rouso said that he worked with this section and agreed it is difficult. Mr. Murphy suggested the section be left as is, unless there is a good reason to change it. Mr. Loveridge pointed out that

CITY OF PORT ST. LUCIE
CHARTER REVISION COMMITTEE MINUTES
AUGUST 9, 1983

COPY

A regular meeting of the Charter Review Committee of the City of Port St. Lucie was called to order by Chairman Loveridge at 2:00 p. m., on Tuesday, August 9, 1983, City Hall Conference Room, City Hall Plaza, Corner of Airoso and Port St. Lucie Boulevards, Port St. Lucie, Florida.

ROLL CALL

Committee Members Present: Mel Loveridge, Chairman
Costa Rousso, Vice-Chairman
Frank Alexander
Robert Murphy
Cal Graeser
Joseph Zemsky

Committee Member Absent: Ray Neighbours

Others Present: Barbara Matthews, Deputy City Clerk

Press: The News Tribune
Palm Beach Post

APPROVAL OF MINUTES FROM MEETING HELD JULY 26, 1983.

Mr. Murphy referred to the second paragraph on Page 14 and noted that the word "she" should be "he" and the abbreviation "Mrs." should be deleted. There being no other changes, the minutes were approved as amended.

CONTINUED DISCUSSION OF ARTICLE III (SECTIONS 3.07 AND 3.09).

Mr. Zemsky noted that Section 3.07 (Interference with Administration) is very long and ambiguous. He recommended it be simplified so that the average layman can understand it. He read the following written recommendation: "Councilmembers, for the sole purpose of legislating, may inquire about any city officer or employee, but may do so only through the City Manager. The Councilmembers shall not give orders to any such officer or employee, either publicly or privately." He noted that the other words are redundant and make no sense. Mr. Alexander agreed that the recommended words would be less confusing. He suggested the wording read as follows: "Except for the purpose of inquiries relating to present or proposed legislation, Councilmembers shall deal with city officers and employees who are subject to the direction and supervision of the manager, solely through the manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately."

Mr. Rousso read his recommendation for this section as follows: "The City Council as a body, or members of the Council as individuals, shall communicate with employees of the City only through the City Manager."

(reference to the City Manager's duties), recognizing the necessity for information on which to base policy decisions, to legislate ordinances and to review city government operations. The Council shall, through the City Manager, properly seek and receive pertinent information from all officers and employees of the City. Recommendations by individual Councilmembers for improvement in city government or its operation, shall be made to the City Manager in order for him to evaluate, coordinate and implement such recommendations to achieve the greatest possible good. The City Manager shall advise individual Councilmembers of the results of such recommendations. City employees, department heads and the City Manager may request the City Council to act, to revise, revoke or otherwise change existing policies or ordinances. Such requests shall be made through the next highest level of existing supervision and in all cases, through the City Manager. Such requests shall be forwarded to the City Council for appropriate evaluation."

Mr. Murphy read his recommendation as follows: "Councilmembers shall contact administrative officers and employees totally through the City Manager. Councilmembers shall not give order to officers or employees either publicly or privately. Councilmembers may direct questions, verbal or written, to administrative officers or employees through the City Manager for the purpose of determining administrative procedures, application of city policies and to obtain information and suggestions for assistance in forming future policy. Investigations shall be conducted in accordance with Section 9.05 of the Charter."

Mr. Alexander said that everyone seems to be overlooking the heading of this section, "Interference with Administration." He said that the phrase, "Except for the purpose of inquiries relating to present or proposed legislation, the Councilmembers shall deal only with the City Manager..." limits the Council without going through a lot of wordiness and ramifications. Mr. Loveridge said that he has reviewed the City Charters of Largo, Venice and the State's model charter. In going through all the different approaches on this subject, he concluded that the last sentence of this section implies that a Councilmember can give direction without Council concurrence, simply by going to the City Manager. He recommends there be a cross reference to Section 9.05 (Investigations) and simply delete the second and third sentences of the existing Section 3.07. The members agreed with this deletion. Mr. Roussó said he believes there should be some provision which allows information to flow to the Council from the work force. Mr. Graeser noted that this section is only dealing with the Council's interference with administration and Mr. Alexander and Mr. Loveridge agreed this was an important section which should remain. Mr. Zemsky noted that the Council's job is to legislate and as long as they go through the City Manager, they can obtain all the information they want.

Mr. Alexander referred to Section 9.05 dealing with investigations and said he isn't sure whether this should be in the Charter. The Committee Members indicated that they will deal with this section when they get to it and Mr. Alexander noted that we will be making a reference to 9.05 in the recommended wording for 3.07. Mr. Loveridge

suggested that the reference to 9.05 be left and it can be later changed when that section is reviewed if necessary. Mr. Alexander moved that Section 3.07 be amended to read as follows:

"Except for the purpose of inquires relating to present or proposed legislation, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager, and neither the Council nor its members shall give order to any such officer or employee, either publicly or privately."

Mr. Zemsky seconded the motion. Roll call vote was as follows:

Mr. Loveridge	Yes
Mr. Alexander	Yes
Mr. Zemsky	Yes
Mr. Rousso	Yes
Mr. Murphy	Yes
Mr. Graeser	Yes

Section 3.08 - Holding Other Office

No changes were made to this section.

Section 3.09 - Vacancies; Forfeiture of Office; Filling of Vacancies

In reviewing the other charters, Mr. Loveridge informed that the City of Largo is the same as our Charter, except we have added the phrase "or forfeiture of his office." In addition, other charters provide criteria for forfeiture of office that we do not have. These are as follows: 1) Lacks at any time during the term of office any qualifications for the office. 2) Violates any express prohibition of the Charter. 3) Is convicted of a crime involving moral turpitude. 4) Fails to attend three consecutive Council meetings without being excused by the Council. He questioned whether the Committee wished to add other elements to the existing section that would cause forfeiture of office. Mr. Zemsky noted that the present wording, "A Councilmember shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this charter or by law." does not tell them much. Mr. Graeser pointed out that the qualifications are listed in Section 3.02; a Councilman must be an elector of the City and must reside in the City for at least two years (formerly six months before the Committee recommended this time be expanded). Mr. Zemsky noted that there is no qualification for getting kicked out of office and in his opinion, this is what forfeiture of office means. Mr. Alexander agreed and recalled mentioning this at the last meeting. Mr. Zemsky suggested this Charter section include the points of forfeiture, rather than simply indicating the words "by law." Mr. Alexander said he believes this is the code of conduct as set forth by the Florida Statutes; if a Councilmen is convicted of a felony, he is automatically thrown out of office. Mr. Zemsky said that this should be stated as well as other instances such as if a Councilman moves out of his district or out of the City.

CITY COUNCIL WORKSHOP MEETING MINUTES

JULY 7, 1986

FILE COPY

McChesney requested that these corrections be made and that the ordinance be scheduled for a vote at the next regular council meeting.

→ Further consideration of Charter changes - Ordinance 86-62:

- a. Charter Section 3.07 - Interference with Administration
- b. Charter Section 4.02 - (a) Appointment
(City Manager) (b) Removal
(c) Compensation
- c. Charter Section 3.02 - Qualifications (City Council)

Mr. Mel Loveridge, Chairman of the Charter Review Committee, submitted a memo dated June 26, 1986 which contained the Committee's recommendations on the ballot language included in the proposed ordinance 86-62. SEE ATTACHED MEMO. The Committee was strongly recommending, providing the language was legally sufficient, that the submitted revised language be placed on the ballot for the General Election.

Councilman Alexander was of the opinion that a negative attitude was being placed on section 3.07. He felt that this would be confusing for the intention of 3.07 was that the City Council's authority extends only to legislation and any inquiries necessary to formulate legislation go through the City Manager.

Vice-Mayor Reeb stated that the proposed language in ordinance 86-62 was better language and right to the point.

Mr. Loveridge remarked that the Committee had not agreed with the proposed language in section 3.07 and felt that it should be modified somewhat.

Vice-Mayor Reeb questioned if section 3.07 as submitted by the Charter Review Committee would allow Council members to make inquiries from City Staff without the approval of the City Manager.

Mr. Loveridge replied yes in making inquiries not in policy but in proposed or existing legislation.

Vice-Mayor Reeb had a problem with this proposal and did not feel that the City Manager should be by-passed in any situation.

Councilman Alexander felt that the issues were being confused. The policy of going to the City Manager was not wrong in any instance but the legislative authority still rests with this Council. Whether the City Manager agreed with it or not the Council still had the final authority in matters of legislation. The purpose of the proposed language was for making inquiries to

JULY 7, 1986

FILE COPY

any employee of the City, any Department Head, or the City Manager to determine what the Council will accept as legislation. He felt that this Council had the right to question anyone for the purpose of enacting legislation.

Councilman Kelly had no problem with the Charter Review Committee recommendations for Section 3.07. He felt it did limit the ability of this or future council members of simply going out and striking out in any direction they want. He did have a problem with section 4.02 in that Council could actually be limited in what they could do in relation to a city manager when a minority member or members of the council would dictate whether or not a city manager would be retained.

The Assistant City Attorney made a point of clarification in that the proposed language being used by the Charter Review Committee was the shorthand version of what appeared on the ballot. The actual language that goes in the Charter was more lengthy and more detailed. What we are seeking to do with this language was simply providing the voter in brief what the amendment in essence consists of.

Mr. Loveridge again recommended the ballot language as submitted.

Mayor McChesney commended the Charter Review Committee on their work and council members agreed that this item be scheduled for a vote at the next regular meeting.

The Assistant City Attorney questioned if the Council wanted the proposed ordinance changed to incorporate the Charter Review Committee's language.

Council members agreed that this should be done and that a vote would be taken at the next regular scheduled council meeting.

Consideration of Resolution designating Riverside National Bank as a second depository for the city.

Council members had no questions concerning the proposed resolution so this item was scheduled for a vote at the next scheduled regular council meeting.

Consideration of request for reappointment of Charter Review Committee members for another one-year term beginning July, 1986.

Council members had no problem with the above request and this was scheduled for a vote at the next regular council meeting.

M E M O R A N D U M

TO: CITY COUNCIL
FROM: MEL LOVERIDGE, CHAIRMAN CHARTER REVIEW
DATE: JUNE 26, 1986

FILE COPY

Mel Loveridge

SUBJECT: BALLOT LANGUAGE INCLUDED IN THE PROPOSED ORDINANCE 86-62

At the Charter Review Committee meeting on June 24, 1986 the following conclusions were reached regarding Ballot Language indicated on Exhibits A, B, C.

We found the language regarding Section 3.02 to be adequate.

We felt the following language more clearly states the intention of changes in Section 3.07.

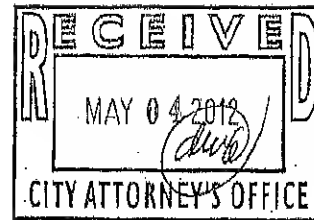
"SHALL SECTION 3.07, CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO ALLOW THE CITY COUNCIL OR ITS MEMBERS TO MAKE INQUIRIES ONLY RELATING TO PRESENT OR PROPOSED LEGISLATION, TO REQUIRE THE CITY COUNCIL TO DEAL SOLELY WITH THE CITY MANAGER AND TO DELETE LANGUAGE FROM THE SECTION IN ORDER TO CLARIFY THE SCOPE OF COUNCIL MEMBERS' AUTHORITY."

We felt that a slight change in language relating to Sections 402 (a), (b) and (c) would be appropriate. It makes clear that compensation will be treated in the contract.

"SHALL SECTION 402 (a), 402 (b) and 402 (c), CITY OF PORT ST. LUCIE CHARTER BE AMENDED TO PROVIDE FOR THE EXECUTION OF AN EMPLOYMENT CONTRACT, INCLUDING COMPENSATION, BETWEEN THE CITY COUNCIL AND THE CITY MANAGER, TO ESTABLISH GROUNDS FOR REMOVAL OF THE CITY MANAGER BY MAJORITY VOTE PLUS ONE (1) OF THE COUNCIL MEMBERS, AND TO DELETE THE SUBSECTION PERTAINING TO COMPENSATION OF THE CITY MANAGER".

*Concurrence 5
Pres 1
Recd 1
Boad 1
Charter Committee 7
Attorney 1
Manager 1*

MEMORANDUM



TO: MAYOR & CITY COUNCIL
ALL EMPLOYEES

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: INTERACTION BETWEEN ADMINISTRATIVE STAFF AND CITY COUNCIL

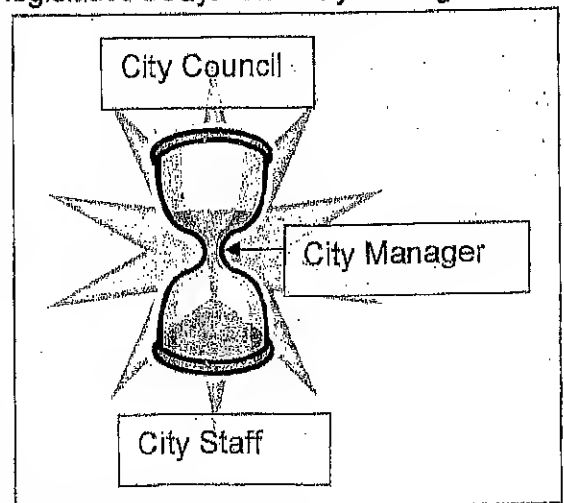
DATE: MAY 4, 2012

Over the last couple of weeks, I have received several inquiries relating to the City Charter, especially as it relates to the interaction between the Mayor & City Council and City staff members. Accordingly, this memorandum serves to discuss Section 3.07 of the Charter, entitled "Interference with administration", which states:

Except for the purpose of inquiries relating to present or proposed legislation, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

In considering this Charter provision, please keep the following points in mind:

- The phrase "City officer and employees who are subject to the direction and supervision of the City Manager" captures all employees other than the City Attorney and Assistant City Attorneys.
- In our form of government, the City Council is the legislative body. The City Manager is the chief administrative officer. Since the City Manager is the chief administrative officer, s/he is responsible for all administrative matters and must be the conduit through which information flows back and forth between the legislative body and the administration. In discussing this matter with the City Attorney, Mr. Orr, he provided an excellent analogy, comparing it to an hourglass.
- The Mayor or individual members of the City Council may make inquiries relating to present or proposed legislation (resolutions, ordinances and other City Council agenda items). Accordingly, please feel free to respond to such inquiries, but also notify your chain of command regarding the inquiries.



- Any inquiries outside of those pertaining to present or proposed legislation and all other work-related contacts from the Mayor or City Council should be routed through my office. If any such contacts were to occur, I would direct you to advise the elected official that you appreciate his/her interest in the matter at hand and his/her willingness to come to you, but that you must refer him/her to the City Manager due to Section 3.07 of the Charter and the direction provided to you.
- An employee's failure to adhere to this provision of the Charter and this direction will be grounds for discipline.
- The above points are not meant to inhibit the exchange of information. Quite to the contrary, I believe that the purpose of Section 3.07 is to help ensure that the City Manager is accountable to the Mayor & City Council, providing information and service as required, and that the City's administrative resources can be properly marshaled to efficiently carry out the Mayor & City Council's legislative acts and policies.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Thank you.

Meeting w/ Mayor

1/2/13

approx 11:30

* I raised concern over her pulling my contract for the second time in six months

- she said she had to check several provisions because Council was not happy with me

- I asked her how she knew the Council was unhappy

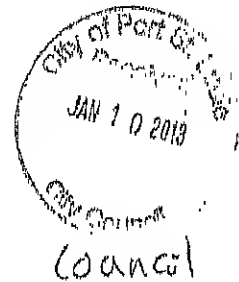
- I asked what the Council was unhappy about and what had changed since my evaluation

- I called Ron Bower 1/2/13 regarding PSL firing approx 2:48 p.m. to discuss any concerns
- Mr. Bower said "why are you calling me sir" with contempt or at least annoyance
- I explained that I was calling regarding any of your issues relating to PSL firing
- He said that I don't have time to do it tomorrow, and I will be sure to run it through you and all of my contacts to Apartment Ready
- Thanks for your call... Click

Dear Councilman Bowen

January 8, 2013

Over the last several weeks, I have often reflected on the current state of our relationship. The last thing I want to do is somehow further strain it; however, I had to write this note to let you know that, among other things, I would like to have a good and positive relationship with you; I am committed to working at it; I am sorry that we are not in a better spot now; and I could really benefit from hearing from you. I hope we can get together soon. Thank you,
Steve



Councilman Bowen,

On behalf of a number of city hall and city employees (who wish to remain anonymous), PLEASE keep the pressure on Greg Oravec. How he treats the employees that are NOT his friends is unforgiveable. He is intimidating and demeaning. Just see how he made light of his God-like "powers" at the employee Christmas party!

We don't believe he is mature to lead this city and frankly should never have been hired. You seem to be the one to see his true colors. Thank you.

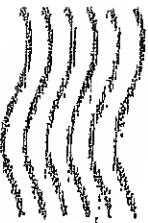
Also, you need to know that at LEAST two employees have overheard him talking to a certain female councilwoman that the other council members are "incapable" and wouldn't know what to do if it wasn't for HIM.

We're sure he would make excuses or lie about what they heard him say. That's the way he is. PLEASE don't give him any more chances. We need a boss who will not micro manage us!!

Anonymous

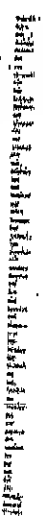
PO BOX 32615
PORT ST. LUCIE FLORIDA

34984



MR. RAY BOLDEN
COUNCIL MEMBER
PORT ST. LUCIE CITY HALL
121 SO PORT ST. LUCIE BLVD.
PORT ST. LUCIE FL 34984

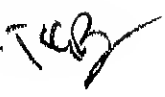
3498403555



U.S. POSTAGE
34984
FOREVER
8202 680
E 10
ARC
POSTNET
3498403555

MEMORANDUM

TO: Gregory J. Oravec, City Manager

FROM: Ron Bowen, Councilmember 

DATE: January 11, 2013

SUBJECT: Anonymous letter received January 10, 2013

Dear Mr. Oravec,

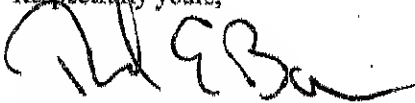
I hope that this brief communication finds you doing well and in good health. I have enclosed a copy of an anonymous letter addressed to me and delivered to City Hall via U.S. mail on January 10, 2013. The letter carries a return address.

In the past, I have addressed the issue of anonymous letters, phone calls or other unsigned communications on a case by case basis. The ones that I do follow-up on are items or issues that are important to the residents of Port St. Lucie. Not all anonymous letters are false and not all anonymous letters are true. I have witnessed anonymous letters being true to what they state. Keep in mind that "Whistleblower" Laws were created to protect the non-anonymous writer from retribution.

The enclosed letter consists of four paragraphs. The first, second and forth paragraphs merely state someone's opinion of the City Manager and nothing more. I find the third paragraph, if true, to be highly offensive to the City Council.

Mr. Oravec, I am requesting a written response to the accusation made by two employees that you consider other Council members, "incapable" and wouldn't know what to do if it wasn't for you. I do not take this matter lightly and request an honest and timely response.

Respectfully yours,



Ronald E. Bowen
Councilmember, District 4

Cc: City Council

RECEIVED

JAN 11 2013

City Manager's Office



Memorandum

TO: COUNCILMAN RON BOWEN

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: YOUR MEMORANDUM OF JANUARY 11, 2013, CONCERNING AN ANONYMOUS LETTER

DATE: JANUARY 11, 2013

This memorandum serves to reply to your memorandum of today's date concerning an anonymous letter received January 10, 2013, by the City Council Office. I can certainly understand why you would find the comments outlined in the third paragraph highly offensive to the City Council. I appreciate this opportunity to communicate with you and to convey my true feelings. I greatly respect the members of City Council as individuals and as a body and am thankful for the chance to serve the City Council, the public and my team. Please know that in addition to considering the Council capable of anything it puts its mind to, I also consider myself a public servant, not the center of the universe as suggested by the letter. ☺

I am hopeful that someday soon we will know each other well enough that you can reject such a malicious fabrication from an anonymous provocateur as being patently false. If you would like to discuss this matter in further detail, please do not hesitate to contact me at any time.

Thank you.

Encl.

c: Mayor & City Council

RECEIVED

JAN 14 2013

Honorable Council Member
City of Port Saint Lucie
Port Saint Lucie, Florida 34984

City Manager's Office

January 9, 2013



Dear Councilman Bowen,

This letter is intended to alert you to facts and concerns that I can no longer tolerate as a loyal employee of the City of Port Saint Lucie. Unfortunately, the circumstances which I am writing about force me to remain anonymous—for now.

I am writing this letter out of frustration and some anger. I am also writing on behalf of another employee.

I am a Department Head for the City. I am a veteran in my occupation for nearly 20 years. As expected I have worked for numerous bosses and supervisors in the City and with my former employers. The same applies to my co-employee. For the most part, I have gotten along with my bosses, including Mr. Bentrutt and Mr. Cooper. My evaluations are solid.

Greg Oravec, however, is impossible to work with. His recent evaluation by the Council falls FAR short in the "areas to be improved". His micro-managing 'style' and true paranoia over others on staff having more knowledge/experience in our fields is, quite frankly, crippling our abilities to manage our own personnel. I feel like a puppet, who, on a regular basis, is reminded by Mr. Oravec that I can be replaced at his pleasure. Pure intimidation and unjustified distrust. Many of us don't want to bring forward any complaints, budget concerns or rumors to Mr. Oravec for fear he will see that as our weakness and (his words) "incompetence" in running our department. That's ridiculous!

At Department Head meetings, he preaches "Team Port St. Lucie" (not so much anymore) so long as he is the WHOLE team. Very narcissistic. Look at the video he showed at the employee holiday party. It's all about HIM, Darth Vader. Evil and controlling. Hardly just a passive joke when you know how he truly is.

And control applies to you Council Members as well. He all but told my co-employee that he feeds you all what he wants and that he 'has stuff' on all of you. Except for you, Councilman Bowen who, it seems, has shaken Mr. Oravec's tree. Right before the holidays, Mr. Oravec was clearly angered by you and it showed. You are a veteran of Council and too new to be concerned about repercussions. But, in our opinion, that's what's needed to change this climate of anxiety amongst the employees.

The anxiety stems from the earlier reorganization of the City. In management, we all talk and this feeling about the City Manager is pervasive and frightening.

I am sure you are looking for more actual incidents to prove what we are saying. But those stories won't come out until the employees feel safe from his certain retributions. Once Mr. Oravec is no longer with the City, you'll hear plenty of horror stories from me and others.

Where there is smoke there is fire. PLEASE don't let him convince you otherwise. He'll talk like everything is golden and lie to you that all of these concerns are unfounded. I know how he operates.

But when I, or our staff members, sit in the audience at Council meetings and look back at you, know that we are anonymous for now but know that we are waiting for you to do the right thing and get back to the business of the citizens. Mr. Oravec is not good for this city.

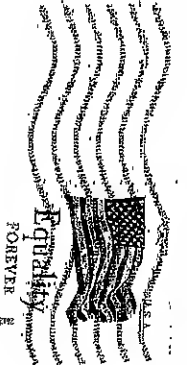
Please do what's right for the City and for our employees.

X

City Hall
Port Saint Lucie FL
34984

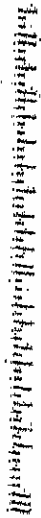
WEST PALM BEACH FL 334

12 JAN 2013 PM 1 L



Ron Bowen
City Council
City of Port Saint Lucie
121 SW Port St. Lucie Blvd
Port St. Lucie FL 34984

34984505553



Mrs. Barty & Mrs. Bowen,
you are both the most trustworthy
of the Council. I am writing for six
other fellow city workers anonymously
about the CM, council, and the mayor.
They cannot be trusted!

When we try to bring up complaints
or problems in our jobs to our
supervisors - they are scared to go
to the dept heads because of the
history of corruption by those 2 and
maybe Shannon Martin.

The dept heads say they saw what
happened to Marcia Decker, Mr. Fink
and they police staff being forced
so they shut their mouths.
Talk to the Dept heads.

This is no way to run a city.

RECEIVED

JAN 15 2013

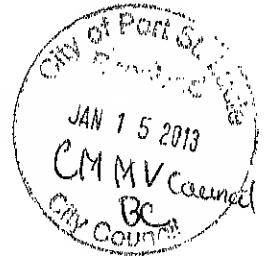
City Manager's Office

The public suffers! If nothing
is done to remove the CM,
we will go to the media with
evidence and our stories. We
can't work this way!!

...for all you do.

Thank you for all
consideration & action
to come!

worried
workers



Pinda Bartz &
Ron Bowen
Port St. Lucie City Hall
121 SW Port St. Lucie Blvd.
PSL, FL 34984



Conversation w / Rebecca Miller

1/14 /13

10:30 A.M.

- elected officials
- pull back / re-evaluate
- mixed ~~signals~~ signals
- hope things change
- cloak & dagger
- feel for you & the City

4 out of 5 commissioners

were gunning me down &
trying to do it in a way
that wasn't in the public
word.

- he was scared of speaking the
truth

City Council should provide
even keeled approach

MaryAnn Verillo

From: Yvette Cruz
Sent: Wednesday, January 16, 2013 11:01 AM
To: MaryAnn Verillo
Cc: Bonnie Cruz
Subject: Cancel - one on one's with CM & Ron

Per Ron, please cancel all morning meetings with Ron and Greg until further notice.

Yvette Cruz

City of PSL

City Council Secretary

772-871-5159

Email: Ycruz@cityofpsl.com

Web: www.cityofpsl.com

TEAM Port St. Lucie

MaryAnn Verillo

From: Yvette Cruz
Sent: Thursday, January 17, 2013 4:34 PM
To: MaryAnn Verillo
Cc: Bonnie Cruz
Subject: Tentative Coffee Special Edition Planning Meeting Jan. 22nd @ 2:30pm
Attachments: Coffee Special Edition.doc

Maryann - CM Bowen is requesting a planning meeting with Dan Kleman. Ed C, Mayor and St. Lucie Chamber, Linda Cox will be invited.

Let me know when Dan responds to the meeting request. See attached meeting topic outline.

Yvette Cruz
City of PSL
City Council Secretary
772-871-5159
Email: Ycruz@cityofpsl.com
Web: www.cityofpsl.com
TEAM Port St. Lucie

MA

1/18/13

As a follow up on this email, you advised me that Yvette requested Dan and that due to Dan's unavailability Jeff would be acceptable and in that Jeff's unavailability, I would be acceptable. Please be advised that I am looking for opportunities to meet w/ Councilman Bowen. Further, I would like to consider & play a role in deciding which of my staff members is best suited to participating in meetings on behalf of the City administration. If you have any questions, please let me know. Thank you, Greg

From: Sandra Steele
Sent: Tuesday, January 22, 2013 8:43 AM
To: John Bolduc; Willam Vega; Richard DeToro
Cc: Judith Kenworthy
Subject: FW: Rosser Rd. Closing
Importance: High

FYI...

From: Yvette Cruz [<mailto:YCruz@cityofpsl.com>]
Sent: Tuesday, January 22, 2013 8:42 AM
To: Sandra Steele; Judith.Kenworthy
Subject: Rosser Rd. Closing
Importance: High

Sandy – please provide me with documents that explain 1) why Rosser Rd. was closed 2) History of the Bldg. 3) the Cost of closing and any other fees that city is incurring due to the closer 4) Bolduc's closing Rpt.

Any chance you can get this to me within next ½ hr.?

Yvette Cruz
City of PSL
City Council Secretary
772-871-5159
Email: Ycruz@cityofpsl.com
Web: www.cityofpsl.com
TEAM Port St. Lucie

March 9, 2013

Dear Mayor & City Council:

It has been a year since the City Council appointed me City Manager, first as acting and then pursuant to contract. As you may recall, this latest assignment follows my initial hire date with the City of February 11, 2002, and my return to the City as Assistant City Manager on January 30, 2007. Over this time and even before I first applied, I fell in love with the City of Port St. Lucie for all that it was, but, perhaps to an even greater extent, for all that it could become. Today, I am more convinced than ever that the potential of the City of Port St. Lucie is limitless and that there are no permanent fundamental constraints to keep our City and our organization from fulfilling its great promise. I am grateful for having the honor of serving you and our citizens and leading a team of impressive employees in such an environment, where hope lives and the sky is the limit.

Of course, in a place where the sky is the limit and the potential is vast, I have come to realize that the journey from potential to fulfillment is equally vast and fraught with trials and tribulations that cannot be fully appreciated until they are experienced firsthand. This realization has recently dovetailed with the thoughts and feelings I shared in my letter of December 21 to crystallize important conclusions in my mind. Not only will the City's journey be a never ending pursuit, which, as with life, is to be expected; but, unexpectedly to me, I now believe it is more likely than not that a critical leg of the City's journey, the one in which the organization becomes a cohesive team dedicated to achieving its vision, high performance and positive outcomes for the citizens above all else, where it makes the leap from good to great, will take longer than the duration of my Employment Agreement. Moreover, given my commitment to helping you complete this critical leg in the journey, I feel compelled to inform you that I will not be seeking a renewal of my Employment Agreement upon its conclusion in March 2014. The reason for this advance notice is to provide the current City Council with the opportunity to unite in selecting the next City Manager and to provide you with a seamless transition through a selection process which can be very challenging and time consuming.

I am very proud of what our Team has accomplished in such a short period of time, especially the creation of Team Port St. Lucie; the implementation of difficult but necessary administrative reorganizations which saved taxpayer money and increased services to our customers; the preparation of a responsible budget which lowered taxes, improved services and worked to safeguard the future in one of the most challenging economic environments conceivable; improved employee-employer relations and successful collective bargaining sessions; the completion of the Eastern Watershed Improvement Project; the inroads we have made on the Crosstown Bridge; the Saints Golf Course becoming self sufficient; completion of the Fairgreen Road Extension Project; the streamlining of the permitting process and the housing of all permitting functions within Building B; the purchase of the McCarty Ranch Property; and the additions of Jeff Bremer as our Assistant City Manager, Dan Kleman as our Special

Assistant to the City Manager and John Bolduc as our Police Chief. I am equally excited about what I expect us to accomplish over the remainder of my tenure, which includes in no particular order: receiving the Record of Decision on Crosstown; finding a way for Tradition Studios to live up to our expectations; a proposal to significantly improve our Recycling Program; full implementation of the Energy Performance Contract with Honeywell; a plan for the investment in the Biltmore/Macedo Light Industrial District; the consideration of a Vacant Property Maintenance Ordinance; an update to our Impact Fees; the completion of this round of negotiations on the Southwest Annexation Area Development Orders; the opening of Bark Park; the opening of Bass Pro Shops; a plan for a skate/extreme sports park; a resolution to the challenge of sober homes; the implementation of utility billing software; the completion of our transition to radio read utility meters; the opening of Boat Ramp Park and intersection improvements at Floresta and Southbend; the completion of the St. Lucie West Boulevard Repaving Project; finding a way to address the little things—like Holiday lights!; numerous administrative initiatives, such as the creation of an intern program; and the list goes on.

As I close this letter, I find it necessary to acknowledge the elephant in the room—why would I ever want to leave the City I love with all of its potential and all of our progress? In response, please know that my heart will never leave the City or my team, and I will always be here to serve in some capacity; however, in 2014, I intend to dedicate myself to a full time Master of Public Policy or Public Administration program prior to my 40th birthday. My career with the City has inspired me to learn more and to also make the time to pursue other lifelong goals. One of the many lessons I have learned well at the City is you only live once!

Thank you for the experience of a lifetime and the motivation to do more. I look forward to our City's future.

Respectfully yours,

Gregory J. Oravec
City Manager

Greg Oravec

From: Greg Oravec
Sent: Wednesday, January 23, 2013 8:22 PM
To: Ron Bowen
Cc: Yvette Cruz; MaryAnn Verillo
Subject: Update on Economic Development Issue

Councilman Bowen,

I am sorry that I just interrupted your dinner with my phone call. I was calling you to provide an update on an economic development related issue. It is something I think you will find interesting, but it is not an emergency. I look forward to providing you with an update at your convenience.

Thank you,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371

(772) 871-5248 [fax]

***TEAM
PORT ST. LUCIE***

*A GROUP OF PEOPLE DEDICATED
TO ONE THING:*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*

Greg Oravec

From: Greg Oravec
Sent: Thursday, January 24, 2013 8:38 AM
To: Ron Bowen
Cc: MaryAnn Verillo; Yvette Cruz; Bonnie Cruz
Subject: Article: Foreigners eye Treasure Coast real estate

Councilman Bowen,

Thank you for the article. Is this an area of opportunity for the City that you would like to realize?

Interestingly, my recent phone call to you was on a related theme. I look forward to further communicating with you at your convenience.

Thank you,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

***TEAM
PORT ST. LUCIE***

*A GROUP OF PEOPLE DEDICATED
TO ONE THING:*

*MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.*



Memorandum

TO: COUNCILMAN RON BOWEN

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: EMPLOYMENT AGREEMENT, RÉSUMÉ AND ECONOMIC DEVELOPMENT MANAGER
UPDATE

DATE: JANUARY 29, 2013

This memorandum serves to formally respond to your request concerning the subject, which was made to Mrs. Verillo this morning. Attached, please find my employment agreement and on-file résumé.

As to an update on the Economic Development Manager, I would greatly appreciate the opportunity to provide you with a verbal update, as I have provided other members of the City Council, as part of a broader discussion of important City business. I would find it very helpful to personally interact with you not only on this issue, but the many other issues facing the City, to hear your thoughts and to seek your input as part of a productive professional working relationship. There may be cases where issues lend themselves to informal discussions prior to formal correspondence, and I believe the requested update may be one of those cases. However, in the end, I want to provide you with exactly what you want. Accordingly, if a personal meeting on this matter is not possible, please let me know, and I will transmit a written update.

Thank you.

Attach.

c: Mayor & City Council
Roger G. Orr, City Attorney
Jeff Bremer, Assistant City Manager [w/o Attach.]
Dan Kleman, Special Assistant to the City Manager [w/o Attach.]

MEMORANDUM

TO: Gregory J. Oravec, City Manager

FROM: Ron Bowen, Councilmember *RCB*

DATE: January 31, 2013

SUBJECT: Economic Development Manager Update

I received your memorandum on January 29th. Unfortunately, you provided me with only 2/3rds of the information that I requested. Your agreement and resume were merely copied and forwarded to me. The information regarding the Economic Development Manager was not provided for some unknown reason. I will not accept a verbal update as you suggested.


Let it be known that as a principled person, both personally and professionally, I shun one-on-one contact with people I do not respect or trust. I refuse to engage people that I perceive as intimidating, controlling, (micro-managing) and pose a "my way or the highway" attitude. And finally, as a former Marine, I abhor cowards. A coward is a person who makes a mistake, doesn't admit it, blames their spouse and has their spouse apologize for something they didn't cause.

That said, please use this memo as my formal request to put the topic of Economic Development Director on the agenda for the February 11th City Council meeting. I am requesting that the back-up material include but not be limited to the following:

- Dates the position was advertised along with the closing date for applying?
- Where was it advertised e.g. monster.com, ICMA publications, local media?
- What was the response e.g. number of applications?
- How many qualified candidates were considered?
- How many qualified candidates were interviewed and dates the interviews took place?
- How many made it though he interviews? And the number of candidates on your short list? Three, four, five?
- Of the number short listed, how many were offered the position? What was the results?

I am sure that you will agree. I look forward to discussing this matter in more detail at our next scheduled meeting. Till the, all the best.

Sincerely,



Ron Bowen
Councilmember, District 4

RECEIVED

JAN 31 2013

City Manager's Office

MEMORANDUM

Corrected Copy

TO: Gregory J. Oravec, City Manager
FROM: Ron Bowen, Councilmember
DATE: January 31, 2013
SUBJECT: Economic Development Manager Update

I received your memorandum on January 29th. Unfortunately, you provided me with only 2/3rds of the information that I requested. Your agreement and resume were merely copied and forwarded to me. The information regarding the Economic Development Manager was not provided for some unknown reason. I will not accept a verbal update as you suggested.

Let it be known that as a principled person, both personally and professionally, I shun one-on-one contact with people I do not respect or trust. I refuse to engage people that I perceive as intimidating, controlling, (micro-managing) and pose a "my way or the highway" attitude. And finally, as a former Marine, I abhor cowards. A coward is a person who makes a mistake, doesn't admit it, blames their spouse and has their spouse apologize for something they didn't cause.

That said, please use this memo as my formal request to put the topic of Economic Development Director on the agenda for the February 11th City Council meeting. I am requesting that the back-up material include but not be limited to the following:

- Dates the position was advertised along with the closing date for applying?
- Where was it advertised e.g. monster.com, ICMA publications, local media?
- What was the response e.g. number of applications?
- How many qualified candidates were considered?
- How many qualified candidates were interviewed and dates the interviews took place?
- How many made it through the interviews? And the number of candidates on your short list? Three, four, five?
- Of the number short listed, how many were offered the position? What was the results?

The tax payers who will be paying the salary of the Economic Development Director want accountability and transparency, not closed-door verbal updates.

I am sure that you will agree. I look forward to discussing this matter in more detail at our next scheduled meeting. Till then, all the best.

Sincerely,



Ron Bowen
Councilmember, District 4

Cc. Roger Orr, City Council

RECEIVED

JAN 31 2013

City Manager's Office

[Sent prior to Mr. Bowen's
correspondence of 1/31/13]



Memorandum

TO: MAYOR & CITY COUNCIL
FROM: GREGORY J. ORAVEC, CITY MANAGER
SUBJECT: RETREAT
DATE: JANUARY 31, 2013

As you know, we are just four weeks away from our Winter Retreat. As we prepare for the Retreat, I not only want to ask you for your agenda item requests, which is the basic purpose of this memorandum, but also to ask for your expectations for the Retreat. Now is the perfect time to ensure that we are not taking anything for granted with the Retreat format, that we are getting the most from our significant investments of time, money, and political capacity in the Retreat and in all that we do as part of our shared efforts to achieve your Vision for the City.

Over the last two months, in an effort to better serve you, the Team and the public, I have reflected on the many learning opportunities which I have encountered over my tenure as City Manager and have carried out a lot of associated study. Following the ensuing analysis, I have concluded that I missed certain opportunities. For example, if I could do it all over again, I would have advocated for a much different orientation process for incoming Councilmembers. I would have recommended the Leadership and Strategic Planning Workshop, which you are considering for June, as a regular Retreat-type event held the month after all new incoming Councils are seated. This would allow the City Council and its appointed officials (City Attorney and City Manager) to openly and directly discuss a whole gauntlet of important issues, such as general overviews of the current Vision and Goals, the City and its services, the roles and responsibilities of each member of the elected and appointed teams, how each member likes to receive information, expectations, group dynamics, an expression of each team member's perception of community concerns and more. Sadly, I feel that I missed that opportunity because I was too busy with the day to day responsibilities which can be never-ending and unyielding. I have to own that, and I do. I cannot change the past, but I can avoid missing a similar opportunity in the future and with our Winter Retreat.

Our Retreats are an invaluable and longstanding tradition, but I want to ensure that we do not take the agenda or your expectations for granted. This Retreat should be what you want. As the representatives of the people, the staff and I would very much like to hear from you about what is important to the community, to hear about how we are doing, what we should be doing, what we should not be doing and more. To this end, please let me know what you would like the Retreat to be, in your words, at your earliest convenience.

As you consider this subject, I thought you might be interested in the attached resources, which address the retreat format and share the related experiences of others. You may find that they really get the juices flowing.

As always, I appreciate your consideration, guidance and collaboration. I look forward to learning of your expectations and your agenda items.

Thank you.

c: Roger G. Orr, City Attorney
Pam Booker, Senior Assistant City Attorney
Jeff Bremer, Assistant City Manager
Dan Kleman, Special Assistant to the City Manager

Attachments

Greg Oravec

From: Michelle Berger
Sent: Friday, February 01, 2013 4:57 PM
To: Greg Oravec
Subject: Re: Scanned image from MX-2600N

I understand why you were trying to deliver the message about the EDC director position sensitively. However, since my peer is unwilling to actually speak to you, I believe you do have to provide a written response per his request.

Unfortunately, the tone and specific words chosen are concerning. Our citizens vote people into office with the hopes they can express disagreement with others without intimidating, belittling or personally attacking.

In an effort to encourage you, let me share two things:

1) One of my reference books reminds us of this about personal attacks; "Ignore their comments and deftly steer the conversation back to the issues. Try to treat others respectfully for as long as you can-whether they deserve it or not."

2) 62% of our citizens voted for me. I did not lose a single precinct. I believe that is less of a reflection of me personally and more of a reflection of how happy people are with their city. You lead this city. You and your team should see the large victory as an acknowledgment of the good work that is being done.

I'm sorry to see this is where we are at. I would prefer the conversation and articles about economic development to stay positive. The Mayor and others have worked for positive change and the wins are starting to roll in. It's unfortunate if the momentum gets disrupted or efforts get derailed.

I will end my comments on this issue for now, as I look forward to hearing how the Mayor and Council feel about the exchange. Perhaps an apology will be forthcoming. If not, it may be necessary to address at a future meeting or, more appropriately, at the retreat.

Please continue your focus on good governance.

Michelle Lee Berger
Port St. Lucie City Council, District 2
Port St. Lucie, Florida

772-871-5159

On Jan 31, 2013, at 3:19 PM, "Greg Oravec" <GOravec@cityofpsl.com> wrote:

> Dear Mayor and City Council,
>
> Please find the attached correspondence I received today. I would like to hear your thoughts on the matter.
>
> Sincerely,
>
>
>
> Gregory J. Oravec
> City Manager
> 121 SW Port St. Lucie Boulevard

۷

7

7

 ∇

✓

✓

7

—

1

✓

>

>

→ **F**

5

➤ 1

25

>

⇒ F

$\rightarrow L$

→

△ F

 $\triangleright F$

→

> A

> L

 $\Rightarrow A$

$\rightarrow D$

➤

2

→



Draft

Memorandum

TO: MAYOR & CITY COUNCIL

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: ECONOMIC DEVELOPMENT MANAGER UPDATE

DATE: FEBRUARY 4, 2013

At the request of Councilman Bowen, this item is being placed on the City Council Meeting Agenda of February 11 as new business. In short, please be advised that we have had three promising candidates to date. Unfortunately, we have not been able to complete the hiring process yet, as described below in chronological order:

- Dennis Holste, Jr., was presented with a conditional offer of employment following his personal interview date of November 16, 2012, which he did not accept because he was unwilling to live within the City of Port St. Lucie.
- Rebecca Miller Sprafka was presented with a conditional offer of employment following her personal interview date of December 17, 2012, which she did not accept. She had communicated some unsettling reasons for not accepting our offer of employment to both Daniel Kleman, Special Assistant to the City Manager, and Susan Williams, Human Resources Director. As a result, I contacted her at approximately 10:30 a.m. on January 14, 2013, to learn more. She advised me that the evening before she was to fill out her paperwork with Human Resources, she was contacted by a male, who she would not identify, who told her that "4 out of 5 commissioners were gunning Greg [me] down and trying to do it in a way that wasn't in the public record". Mrs. Williams shared with me that in the conversations she had with Mrs. Sprafka, Mrs. Sprafka stated that the male was not a Councilperson but was "high up enough the food chain to know".
- The interview team had the best interview yet with a candidate on Thursday, January 31, and was hoping to come to terms with the candidate. Unfortunately, on February 2, 2013, the candidate and I had a conversation in which he requested some time to consider it further and, basically, to wait and see because he had been informed by people in the community that there was political instability at the City and he wanted to make sure that I was going to be here or at least to know for whom he would work.

In addition to the above information, I would like to ensure that you are provided with direct responses to the requests outlined in Councilman Bowen's memorandum of January 31, 2013, Corrected Copy, which are excerpted below:

...the back-up material include but not be limited to the following:

- Dates the position was advertised along with the closing date for applying?
- Where was it advertised e.g. monster.com, ICMA publications, local media?
- What was the response e.g. number of applications?
- How many qualified candidates were considered?
- How many qualified candidates were interviewed and dates the interviews took place?

- How many made it th[r]ough [t]he interviews? And the number of candidate on your short list? Three, four, five?
- Of the number short listed, how many were offered the position? What was [were] the results?

In response, please find the following:

- The Human Resources Department (HR) reports that the position was advertised August 27 through October 10. It closed on October 10.
- HR advertised the position on the City's website, City job board, Workforce Solutions, Florida League of Cities, Florida City and County Management Association (FCCMA), Florida Public HR Association, St. Lucie Chamber of Commerce, Florida Redevelopment Association and the Economic Development Council of St. Lucie County.
- There were 29 applications.
- Ten were considered qualified.
- According to my records, seven phone interviews were conducted from the original applicant pool on November 15. The interview team throughout this entire process has been comprised of Jeff Bremer, Assistant City Manager, Mr. Kleman, Mrs. Williams and me. Following the phone interviews, two personal interviews were held on November 16. At the conclusion of the personal interviews, it was clear that Dennis Holste, Jr., was the best applicant for the position. We discussed terms with Mr. Hoste. Unfortunately, he could not comply with the contractual condition that he be a resident of Port St. Lucie. As a result, he was not hired.
- Over the next two weeks, we re-reviewed the applications in order to determine if we had missed a promising candidate, especially one that might be able to grow into the position. We conducted an interview on November 30 with such a candidate, but the candidate was not the right fit.
- Prior to re-advertising the position, I contemplated if I had met any local talent who could be recruited. One person came to mind—Rebecca Miller Sprafka. The team interviewed Mrs. Sprafka on December 17. She seemed to be a good fit; but, as a consultant, she had many contractual obligations which we needed to check for possible conflicts of interest, and we had to negotiate compensation. After the holidays, it appeared that everything had been worked out, and Mr. Kleman even worked with Ed Cunningham, Communications Director, to draft a press release which announced her hiring. As mentioned before, she did not accept the position.
- Following the conclusion of our effort with Mrs. Sprafka, we held off on re-advertisement because of a letter of interest from a qualified applicant. Please see the beginning of this memorandum for the results to date.
- Prior to moving forward with the filling of this position, it would be beneficial to resolve the matter of administrative instability, which has become a legitimate concern. As you are likely aware, this past Saturday, at the behest of a member of City Council, I was presented with an offer to resign in exchange for 2 months' severance pay. This fact will only fuel the continuing rumors and speculation.

If you have any questions or require additional information, please do not hesitate to contact me.

Attach.

c: Mayor & City Council
 Roger G. Orr, City Attorney
 Jeff Bremer, Assistant City Manager
 Dan Kleman, Special Assistant to the City Manager
 Susan Williams, Human Resources Director
 Dennis Holste, Jr.
 Rebecca Miller Sprafka



Draft

Memorandum

TO: COUNCILMAN RON BOWEN

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: RESPONSE TO THE PERSONAL ATTACKS IN YOUR MEMORANDA OF JANUARY 31, 2013

DATE: FEBRUARY 4, 2013

This memorandum serves to formally respond to the personal attacks in your memorandum of January 31, 2013, entitled "Economic Development Manager Update", and the memorandum of the same title but with the header "Corrected Copy".

As both the District 4 elected representative of the citizens of Port St. Lucie and as one-fifth of the City Council who employs me, I have the greatest respect for your position of, and authority as, Councilman; however, I fail to see the connection between the second paragraph of your memoranda, in which you launch personal attacks and hurl abuses upon me and my family, and either the good work of our citizens or the City Council's oversight of my employment. I do not understand how they serve the public good, why you engaged in them or who is motivating you to make them. Please be advised that they are untrue, uncivil, unwarranted and unacceptable. No employee at the City should have to tolerate this type of treatment, and I simply ask that your interactions with me live up to the standards of conduct and decorum set forth by the Adopted Rules of Council.

As I have communicated to you over the past two months, I am, and will continue to be, dedicated to building a professional relationship with you in order to serve our citizens and to carry out our respective duties under the Charter.

Thank you.

c: Mayor & City Council
Roger G. Orr, City Attorney
Jeff Bremer, Assistant City Manager
Dan Kleman, Special Assistant to the City Manager



Draft

Memorandum

TO: MAYOR & CITY COUNCIL

FROM: GREGORY J. ORAVEC, CITY MANAGER

SUBJECT: SEPARATION AGREEMENT

DATE: FEBRUARY 4, 2013

For reasons that I do not fully understand, but now, in light of this past Saturday's proposal in which the City Attorney presented me with an offer to quit in return for two months' severance pay, seem irrefutable nonetheless, the state of our relationship appears to be irretrievably altered. As a result, I would suggest that we explore the negotiation of an amicable separation agreement.

As you know, the last sixty days have been filled with many distractions and rumors. Unfortunately, these phantoms have had a very real impact on City business, especially the hiring of an Economic Development Manager. With this past Saturday's interactions and the preceding personal attacks from Councilman Bowen, I think the circumstances have finally become untenable and rendered me ineffective as City Manager. I do not want to see the situation further deteriorate and usurp an even greater amount of organizational resources from the Team's mission to realize the City Council's vision for our community. There is no reason to spend a great deal of our time and energy on matters which will not directly benefit our citizens.

I look forward to your response so that the organization can move forward.

Thank you.

Attach.

c: Roger G. Orr, City Attorney
Jeff Bremer, Assistant City Manager
Dan Kleman, Special Assistant to the City Manager
Susan Williams, Human Resources Director